

BOARD OF MAYOR AND ALDERMEN

July 17, 2001

7:30 PM

In the absence of Mayor Baines, Chairman Cashin called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy (arrived late) Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann

Chairman Cashin recess the regular meeting to continue with the Public Participation session.

Chairman Cashin called the meeting back to order.

Chairman Cashin stated the Central Football team is here to make a presentation and asked representatives to step forward.

Mr. Casey Enman, Co-captain of this year's Central High Football team stated and on behalf of the team we would like to thank Alderman Clancy for helping to secure funds to renovate our locker room and in appreciation we would like to present this football to you signed by the 2001 Football team. Thanks a lot.

Chairman Cashin stated there is one more thing I would like to do this evening. The Mayor is on his way in, he's flying into the Airport and should be landing anytime now, but in the meantime I'd like to ask a colleague of mine and a personal friend if he would come and Chair the meeting at least until the Mayor gets here and I'd like to ask Alderman Pariseau to come up and Chair the meeting.

Chairman Pro-tem Pariseau stated we'll go back to the old days like we did with Mayor Stanton...20 minutes and we're out-of-here.

3. Presentation by MDC relative to the Consultant's Report on the proposed Convention and Visitors Bureau.

Mr. Bobby Stephen stated I'm from the Manchester Development Corporation and also with me is Scott Ellison and our Chairman Ray Pinard and Trudy McNulty from Tourism Development Associates. We were here back in October of last year to discuss the MDC's vote and to share with you that we wanted to present you with a feasibility study from the consultant, Trudy, and tonight we have that study. This is only the study that

came in and we want you to overlook the study on the proposed Convention and Visitors Bureau. So, if I may I'll turn it over to Trudy.

Ms. McNulty stated thank you for having us here to tell you about this. This study was to prepare a business plan for the possible development of a Convention Visitors Bureau. Our approach to tourism is that tourism is economic development and the purpose of economic development is a resident quality of life. We had a lot of questions about why would tourists come to Manchester and first is to define tourism. Tourism is just non-residents coming into a community and spending money. They may come in for the day or they may come in for overnight, but the reason a Convention and Visitors Bureau puts extra effort onto overnight visitors is because visitors who stay overnight spend about three times what someone who comes in for the day spends. So, because tourism is economic development we are looking to heads in beds in order to maximize that economic impact to the community. They may come in for leisure but they also come in for business. They may come in one-by-one or couples and families, they may come for meetings, conventions, trade shows, tournaments. They may come in on motor coaches...it is not just vacation. Manchester really has never considered itself to be a visitor destination according to all of the people that we spoke to and the attractions have really been developed primarily for the resident market and most people considered tourism to be vacationers and did not think of the broad range of visits that could be coming into your area. A lot of people express the sentiment that the City had an outdated negative image as a mill town even though it had not been that for many, many decades. They also perceived the Downtown as having a lot of natural strengths...the Riverfront, the redeveloped mills, a wide main street, the theatre...some of which still need more development. In our communications around the community there was a very strongly expressed need to bring more people Downtown and to tell the rich cultural heritage story of Manchester and to create more events. We met with a number of the cultural organizations and they expressed strong interest in participating in a Manchester Convention and Visitors Bureau and one that promoted increased visitation into your area. We looked at creating this organization, we provided the structure and organization for an independent Manchester Convention and Visitors Bureau. The people that we spoke with wanted to create and promote your image, they wanted to raise your community profile, they wanted more meetings and conventions and they wanted to package what attractions and events you already had. So, what does a Convention and Visitors Bureau do if you were to create one. They would promote your history, cultural, retail, restaurants, recreational attractions that you already have. They would analyze what types of attractions and products...tourism products still need to be developed in this area and be a catalyst for the development of those. They would develop a marketing campaign to attract new visitors and convention delegates to Manchester. They would work locally, regionally at the state, national and even international levels with the media

outlets to tell them your story. They would do media campaigns, marketing campaigns, they would do direct telemarketing and public relations. They would coordinate a lot of cooperative advertising programs and attend consumer and trade shows to tell the Manchester story so that you get a leveraged marketing effort between all of the participants in your community. When you bring groups in you have to have a lot of services, they have to know what the transportation is, what the accommodations, the attractions. They would service the needs of visitors, send them a visitor guide, maintain information centers, answer the phone, develop your web site so that people can find information that way. Convention and Visitors Bureau...there are more than 400 of them just in the United States...are non-profit organizations, they're funded primarily between 85% and 95% with public funds and they do have some membership and sponsorship investment and also play to pay where you can cooperate and put in money into a pot to do marketing as well with the private sector. We looked at if you were to have a Convention and Visitors Bureau what is a realistic and competitive budget to have a full-service, independent Manchester Convention and Visitors Bureau. So, we actually looked at about five different methods nationally and in New England and what I've put up here is your New England competitors and you can see the names down the left, the second column is the budgets of these organizations, the third column is the number of sleeping rooms because remember I had said that to get the maximum economic impact you want to put heads in beds, so one common way to measure comparatively because communities are very different is how many rooms are you trying to fill. So, we look at how many rooms and then we look at how much a community is spending per room and we determine for all of these methods that \$295 was the average spending per sleeping room in the New England market place. In fact, the national average is only \$298, so it's almost virtually the same. Well, doing the multiplication of that figure \$295 times the number of sleeping rooms 1,258 that you have in Manchester gives you a budget target of about \$370,000. I think the next slide will show you how that stacks up. If you look at the other competitors they range from Providence...Boston is left out because it's at such a different scale, but Providence at \$2.5 million, down to Vermont which I have to say is really not in the game at \$230,000...so, you can see that although you may be surprised that \$370,000 is a high figure from what you might have thought it really does put you down on the low end of the scale. This is just an average, you can want to spend less, you can choose to spend more, but this gives you some perspective on where you fit with the other communities that are promoting themselves in New England. So, our conclusion was that the most appropriate path for Manchester would be a full-service, independent Manchester Convention and Visitors Bureau funded at approximately \$370,000 annually for its 1,258 rooms at an average spending of \$295. In terms of source of funding, many people said when we started the private sector should carry this and I wanted to share with you information about CVB's nationally that are considered to be small, that is under \$500,000 budget, 93% of them receive hotel room tax. About 88%

of their total budget come from public funds which means about 12 from private funds and of that public funds 83% of it is from local hotel room taxes and I'm very aware that you don't have a local hotel tax and that was something we struggled with a great deal, but I wanted you to have the prospective of knowing how others do it in the country. So, as is reflected in the national funding percentages Manchester will not see very large revenue streams from the private sector. In fact, the budget we created (a 3-year budget) and from start-up till the third year and we actually doubled the national percentage because of the problems in your funding mechanism situation. So, we went from 12% to about 26% private funding. But, it's always important to remember that fund raising is expensive and takes a lot of time and you can create an organization that spends all of its money trying to stay alive or you can create one that's telling people about Manchester. The State does not fund local destination marketing and development efforts nor does it provide a mechanism by which the local communities can do it for yourself that would require enabling legislation at the State level which was pretty much beyond the scope of the study, but since these traditional mechanisms to fund local tourism efforts do not exist in New Hampshire then it's obvious that any public tourism funds for a Manchester CVB would have to come out of local funds that you have, if that was something you chose to do. So, without a stable public funding mechanism and without a strong potential for significant private funds it would be our expectation that you would have to spend considerable time and creative effort doing fund raising, it's going to be a struggle for you to reach your competitors level of funding, it's going to be very important to forge strong partnerships in the community and at the State level and you will really need the strong support of your community and, therefore, we created a program that would really focus on the immediate express needs...the creating of your public image, the promotion of that public image, creating new tourism products and creating your...marketing what you already have. I think that, my perceptions when I drove into Manchester was it's a beautiful night, blue sky, blue water, it's a very clean, sparkling kind of quality to it and I really had a very positive feeling when I drove in and the whole time I was here the enthusiasm for this idea was tremendous and it seems to me that the timing is excellent. All of your things that you've been working on seem to tie together with this, the investment in the civic center, your investment in the Airport, the Riverfront, the highways, the cultural community and now what you don't have is a mechanism to go out and tell that story. You are also geographically located in a wonderful position. Your major market is going to be the metro-Boston area as it is for all of northern New England and you are located between your market and your White Mountains and Lakes Region which is getting a huge amount of tourism. All you need to do is slow people down and make some of those dollars stick in the Manchester area, so I have worked in communities across the country and it's amazing to me that New Hampshire is the only State in the United States that does not have a Convention and Visitors Bureau. Now, this is not just a national organization, this is internationally there are Convention and

Visitors Bureaus all over the world. It seems to me with the enthusiasm, the product that you have, the interest by the people here and your closeness to the market that it's really time for Manchester to go outside of Manchester and tell your story to the world and we have given you a plan to do this and now it's up for your consideration and it's not a vote or anything for tonight, but I'm happy to answer any questions you might have.

Alderman Levasseur stated you did a survey for cities outside of New Hampshire, what about up north where there is a lot of tourism as far as whether they are hotel tax and whether they have visitors bureau maybe Mr. Stephen's can answer that.

Mr. Stephen stated the report is justifying Manchester, we're looking at Manchester not the whole State and I do agree with you that the residual effect will be for the whole State.

Alderman Levasseur stated my question really relates around the actual raising of the funds that you are going to need, the \$351,000 for Manchester. In our own State up north where there is obviously more tourism does each community have their own ways of raising these funds or do they not have any visitor bureaus.

Ms. McNulty replied there is no Visitor's Bureau in New Hampshire, it's the only one without one.

Alderman Vaillancourt stated the State did just increase the amount we're spending on drawing tourism to New Hampshire. I believe the Senate and the House passed that, so we are spending more money there. As I understand it, you're coming forward tonight to ask us for about \$370,000 eventually to establish this.

Ms. McNulty replied we have put together a budget for \$371,000 actually incremental less the first year and increasing. Tonight we are just here to report back...ultimately, I would anticipate that they would come and ask you for a portion of that, certainly not all of that. We created budget with revenue streams from a whole variety of sources.

Alderman Vaillancourt stated I note your hotel occupancy rate you have listed as between 75% to 90%, isn't that one of the highest in the country.

Ms. McNulty replied it's very high and it's really driven by the Airport. The individual business traveler coming in and staying overnight and flying out in the morning and so forth. The average in the country is around 63% to 64%, so you're doing very well and I would not be surprised to see additional hotel development in the community which of course will depress your occupancy and make them hungrier.

Alderman Vaillancourt stated unless, of course, we get more travel from the Airport we know there's a pond (Pine Island Pond) there's a hotel going up there. But, so we're significantly above the national average for hotel occupancy without this Visitors Bureau and you are aware of...you talk about 93% of this kind of effort being paid for by a hotel rooms tax, you are aware of the fact that we're using our share of the Rooms & Meals Tax now for the civic center and 83% being a local rooms tax...you are aware of the fact that New Hampshire State Law prohibits that and there was an effort to have an add on to the Rooms & Meals Tax last year for this purpose and it was resoundingly defeated.

Ms. McNulty stated I understand, yes.

Alderman Levasseur stated the Chamber of Commerce it seems to be would be some sort of a facilitator behind getting your city and we seem to have a pretty strong Chamber of Commerce. How does that work in conjunction with other cities, does the Chamber take more of an active role in being more of a facilitator for a visitors bureau or do they also have separate and distinct organizations.

Ms. McNulty replied Visitors Bureaus started approximately 80 years ago and they've gradually increased and when they began they tended to be started within divisions of the Chambers of Commerce and then as they grew up they tended to separate and become separate organizations. There's a small percentage that is part of a Chamber of Commerce. The reason for the split is two-fold. One, the focus of a Chamber is generally on the businesses within that community, so it's a focus on the community itself whereas a Convention and Visitors Bureau the focus is generally on the market which is outside because they are trying to bring them in. The second reason is Chambers are generally funded by the businesses that are members and Convention and Visitors Bureaus are generally publicly funded, so that has led to conflict. Where cities still have CVB's that are departments of chambers tend to be the smaller ones and tend to be in communities that are very much tourism oriented themselves, it's a tourism community...that's not to say it can't be done as part of a Chamber of Commerce that is one of the options that we looked at and it's certainly one that you could consider.

Alderman Shea stated you mentioned \$370,000 but the first year's implementation would be one-third of that.

Ms. McNulty replied it depends on how much of the year is left. We calculated it at about 60%, but if you started the last two months of the year there'd be some start-up costs, space and computers and getting organized.

Alderman Shea stated I can visualize some sort of a joint effort here on the part of the Chamber, the Manchester Development Corporation and also the Aldermanic Board, so I sense that if it were shared I'd hate to see the public having to fund a large portion of this, however, if there was some cooperation between the Manchester Development Corporation in the sense that they would be able to expend some funds this way as well as the Chamber's involvement in trying to make the aware of the community, I could see where that would be a joint effort and it would probably work much better.

Ms. McNulty stated it should be a public/private partnership.

Mayor Baines asked if there were additional questions from the Board there were none.

4. Communication from Elias Ashooh, Chairman of the MDC Investment Committee seeking Board approval of the MDC Investment Guidelines.

Alderman Levasseur moved to accept the MDC Investment Guidelines. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

5. Presentation relative to the status of the Granite Street Widening Project.

Deputy Clerk Johnson noted the presentation relative to the Granite Street Widening Project would be deferred to the next meeting schedule for August 7, 2001.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A. Approving a request of Alderman Pinard for the expenditure of \$700.00 from civic contributions to the West High School Band.
(13 Aldermen voted in favor, Alderman Shea voted in opposition)
- B. Approving a request for the closure of Concord Street between Pine and Elm Streets, southerly on Elm Street to Veterans Park on Sunday, June 24, 2001 from 1:00 to 3:00 PM in conjunction with the State's American Legion Parade.
(unanimous)
- C. Approving a report of the Committee on Traffic/Public Safety recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.
(unanimous)

- D. Approving a request of the Director of Parks, Recreation and Cemetery to waive the fair license fee for the Independence Day Celebration held at Arms Park on Tuesday, July 3, 2001.
(unanimous)
- E. Approving a request of the Public Works Director authorizing Manchester's participation in the CSO Coalition/Merrimack River Study and authorizing the Mayor to sign the Resolution on behalf of the City upon approval of the City Solicitor.
(unanimous)

Approve under Supervision of the Department of Highways, subject to the availability of funding

- G. Sidewalk Improvement Petitions - 50/50 Program

Informational - to be Received and Filed

- H. Copy of a communication from Mayor Baines advising of his approval for a budget transfer request by Human Resources.
- I. Copy of a communication from Alderman Cashin to Superintendent Tanguay regarding traffic congestion issues in the vicinity of West High School.
- J. Copy of a communication from Alderman Cashin to the Committee on Traffic requesting a study be conducted in the Donald Street, Second Street, North Main Street, and Boynton Street areas to determine what can be done to relieve traffic growth in these areas.
- K. Minutes of the Mayor's Utility Coordinating Committee held on May 16, 2001 and June 20, 2001.
- L. MTA minutes of a meeting held on May 24, 2001 and the Financial and Ridership Reports for April 2001.
- M. Communication from the Director of Parks, Recreation and Cemetery relative to safety concerns at Livingston Park expressed by Kathy Trisciani.
- N. Communication from the Manchester Water Works Director submitting the Independent Audit Report for 2000.
- O. Copy of a communication from the NHDOT advising of contemplated awards.
- P. Communication from AT&T Broadband advising of pricing and programming changes effective July 1, 2001.
- Q. Communication from Charles Gordon on behalf of Cruising Downtown 2001 expressing their appreciation to the Board for its support.

Informational - to be referred to the Highway Department and Risk Manager

- R. Communication from Norris Viviers requesting permission to install an awning on the Bedford Building located at 1361 Elm Street.

Informational - to be referred to the Manchester Transit Authority

- S. Communication from Louise Gazda submitting various suggestions on how to improve bus transportation in and around the City.

Accept Funds and Remand for the Purpose Intended

- T. Communication from the Deputy Finance Officer advising of the receipt of \$1,185.50 for the Police Department's share of Forfeiture Funds.
- U. Communication from the Deputy Finance Officer advising of the receipt of \$1,000.00 from the Goldwing Road Riders Association Chapter I for the Juvenile Division's Sexual Abuse Fund.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- Y. Resolutions:

"Amending the 1999 & 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Forty Eight Dollars (\$15,048) for the FY2000 CIP 831100 Security Project."

"Authorizing the Finance Officer to effect a transfer amount of Fifteen Thousand and Forty Eight Dollars (\$15,048) from the 1999 CIP 333399 Card Access Security System Project to the 2000 CIP 831100 Security Project."

"Amending the 2000 and 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000) for the 2002 CIP 612802 Dunlap Building Renovation Project."

"Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ninety Seven Thousand Five Hundred Ninety Four Dollars (\$197,594.00) for certain 2002 CIP Police Projects."

REPORTS OF COMMITTEES

**COMMITTEE ON ACCOUNTS, ENROLLMENT
AND REVENUE ADMINISTRATION**

- Z. Advising that it has accepted an audit status update report from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.
- AB. Advising that it has accepted the accounts receivable write-offs for the fourth quarter, with the exception of the CIP line item in the amount of \$8,698.31, and submitting same to the Board for informational purposes.

- AC.** Advising that it has accepted enclosed reports for the month of July 2001 relative to department legend, open invoice report over 90 days by fund, open invoice report (all invoices for interdepartmental billings only), open invoice report (all invoices due from the School District only), and customer comments report-A/R delinquent exceeding 90 day criteria from the Finance Department, as enclosed herein, and is submitting same to the Board for informational purposes.

COMMITTEE ON COMMUNITY IMPROVEMENT

- AD.** Recommending that Resolutions:

"Amending the 1999 & 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Forty Eight Dollars (\$15,048) for the FY2000 CIP 831100 Security Project."

"Authorizing the Finance Officer to effect a transfer amount of Fifteen Thousand and Forty Eight Dollars (\$15,048) from the 1999 CIP 333399 Card Access Security System Project to the 2000 CIP 831100 Security Project."

be approved and for such purpose revised budget authorizations have been submitted.

- AE.** Recommending that Resolution:

"Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ninety Seven Thousand Five Hundred Ninety Four Dollars (\$197,594.00) for certain 2002 CIP Police Projects."

be approved and for such purpose budget authorizations have been submitted.

- AF.** Recommending that a request from the Deputy Public Works Director that the Highway Department execute the Landfill Closure-Phase II contract be granted and approved. The Committee notes that such contract will require additional funding in the amount of \$1.75 million in FY2003.

- AG.** Recommending that the Dunlap Building Renovation Project be approved pending receipt of a \$450,000 loan from MDC, and for such purpose an amending resolution and budget authorizations have been submitted.

- AI.** Recommending that a request from the Deputy Director of Parks, Recreation & Cemetery to apply for 2001-2002 Transportation Enhancement (TE) and Congestion Mitigation and Air Quality Program (CMAQ) grants be granted and approved.

- AJ.** Recommending that a sewer abatement request for 965 Clay Street be denied.

- AK.** Advising that they have requested the Planning Director and City Solicitor get together with School Administration to come up with a policy for approving School CIP projects.

- AL.** Advising that it has approved a request from the Highway Engineering Manager to complete work on Straw Road as part of the City's Chronic Drain program.
- AM.** Advising that it has approved a request from the Deputy Director of Parks, Recreation & Cemetery to retire vehicle #2FABP43F9GX202798 and replace it with another surplus City vehicle.
- AN.** Advising that it has approved a request from the Chief of Police to purchase a vehicle from Irwin Motors with money from the self-insurance fund, balance of the MER account and \$343.00 from the Police budget to replace a vehicle which was damaged beyond repair in a recent accident.
- AO.** Advising that it has approved a request from the Deputy Public Works Director to replace a Superintendent's vehicle and necessary equipment.

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- AP.** Recommending that a request from the Chief of Police to upgrade one Sergeant position to the level of Lieutenant due to an increase in duties be granted and approved.
- AQ.** Recommending that a freeze be put on all Special Merit Increases until such time as the ordinance is amended.
- AR.** Advising that it has reviewed a proposed amendment to the ordinance regarding Special Merit Increases and recommends that it be referred to the City Solicitor's Office for reviewing of wording and to the Committee on Bills on Second Reading for technical review.

COMMITTEE ON JOINT SCHOOL BUILDINGS

- AS.** Advising that it has voted to accept the completion of the High School Stages and CHS/WHS Electrical Improvements projects.
- AT.** Advising that it has accepted the enclosed project financials, architect's, engineer's and contractor's reports for the month of June 2001 relative to Henry J. McLaughlin Jr. Middle School, ADA Accessibility/School Elevators - Parker-Varney Elevator/ADA Improvements, Central & West Heat & Ventilation Improvements Phase V, NORESKO Performance Contract, Roofing Projects - Manchester Schools, Asbestos Abatement - McDonough & Green Acres Schools, McLaughlin Middle School Additions and Central High H&V Phase 6 and Window Replacement and is submitting same to the Board for informational purposes.

COMMITTEE ON LANDS AND BUILDINGS

- AV.** Recommending that a plan prepared by the Highway Department and the Parks and Recreation Department to perform site work on the City-owned lots at the corner of North Bay Street and Bennington Road be approved.
- AW.** Recommending that a request from John G. Gimas to purchase the land and building of the so-called former Concord Street Fire Station be denied. The Committee notes that it finds this land is not surplus to City needs and should not be disposed of.
- AX.** Recommending that a request from Ronald and Kathleen Gosselin to purchase property known as Map 750/Lot 11 located on Pond Drive be denied; that said property be found not surplus to City needs and be transferred to the jurisdiction of the Conservation Commission pending any future action by the Board of Mayor and Aldermen.
- AY.** Recommending that the City transfer Parcel A, a small portion of the former Parker-Varney School lot, to Cecile Pelletier and that Cecile Pelletier transfer Tax Map 579, Lot 83 to the City. The Committee further recommends that the Board accept an easement over Parcel B to increase the width of James Pollock Drive to forty (40) feet subject to the review and approval of the City Solicitor.
- AZ.** Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated on Crescent Lane, known as Map 218, Lot 21, by executing deeds releasing all rights, title, interest, or claims in said property. Said property formerly owned by the Bank of New Hampshire was acquired by the City of Manchester by virtue of Tax Collector's deed dated September 8, 1995 and recorded in the Hillsborough County Registry of Deeds on September 8, 1995, in Volume 5655, Page 0398. The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$10,000. The Committee advises that it has found such property to be surplus to City needs. The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- BA.** Recommending that an evening prepay program be instituted in the Canal Street and Victory Street garages at a cost of \$3 effective July 1, 2001. The Committee notes that the Traffic Director is hereby authorized to carry out the policies relating to such program.
- BB.** Recommending that a request from Frank C. Comerford on behalf of the St. George Greek Orthodox Cathedral seeking authorization to close Kenney Street at Hanover Street and to close Hilton Street at Amherst Street from 10 AM until 11 PM on September 14, 15 and 16, 2001 for the annual Glendi celebration be granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk.

- BC.** Recommending that a request from Paula Galvin on behalf of the University of New Hampshire at Manchester seeking authorization to install guide signs on Manchester City streets as follows: Granite Street Bridge (eastbound) prior to the left-turn split at Commercial Street; Granite Street (westbound) prior to the intersection of Commercial Street; Elm Street (southbound) prior to the intersection of Spring Street; Amoskeag Bridge (eastbound) prior to the Canal Street off ramp; Canal Street (southbound) prior to the intersection of N. Commercial Street; and Bridge Street (westbound) prior to the intersection of the left-turn split at Elm Street be granted and approved under the direct supervision of the city Clerk, Fire, Highway, Police, Traffic and Risk.
- BD.** Recommending that a request from Christine Hardy on behalf of East Seals seeking authorization for the use of Arms Park, and the closure of streets (as enclosed herein) for the third annual walk for Easter Seals to be held on Sunday, September 30, 2001 be granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk.
- BE.** Recommending that regulations governing standing, stopping, parking and operation of vehicles be adopted and put into effect when duly advertised and posted.

SPECIAL COMMITTEE ON THE CIVIC CENTER

- BG.** Advising that it has received and filed a letter submitted by Peter Levy on June 18, 2001, for Michael and Caren Grady, relative to their request for reconsideration of relocation expenses for their family business, formerly at 625 Elm Street.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN LOPEZ, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- F.** Ratify and confirm poll approving the Agreement between the City of Manchester and the Riverfront Foundation for the use of the Rubenstein and Singer Lots from July 1, 2001 to March 31, 2002.
(Aldermen Wihby, Levasseur, Sysyn, Pinard, Shea, Cashin, Hirschmann, O'Neil and Lopez voted in favor; Aldermen Vaillancourt and Pariseau voted in opposition; and Aldermen Gatsas, Clancy and Thibault were unable to be reached at the time.)
- V.** Communication from the Deputy Finance Officer advising of the receipt of \$5,000.00 from Shorty's Management Group, Inc. for the Mounted Patrol Unit.

Alderman Hirschmann stated one of our community leaders Rick Loeffler from Shorty's Management Group has donated \$5,000 to continue the Mounted Patrol Unit in Manchester and there's actually a horse named "Shorty" thanks to Shorty's Management

and I wanted to thank him personally and make a motion to accept the funds and remand for the purpose intended and to send a letter of thanks, this is the kind of thing that Manchester really needs. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

- W.** Communication from Attorney Lazos on behalf of MCH Manchester, LLC requesting two amendments to the Manchester Zoning Ordinance as follows:
- a) change the southerly portion of Lot 8 and all of Lot 17 on Countryside Boulevard from R-S Zone to the R-SM Zone; and
 - b) change the reference to "35" in the Height columns of Article 6.07 Table of Dimensional Regulations for the "Base District R-SM Residential, first 3 units" to "45".

Alderman Wihby moved that Item W be referred to the Committee on Bills on Second Reading and to Public Hearing on Monday, August 6, 2001 at 6:00 PM in the Aldermanic Chambers of City Hall. Alderman Sysyn duly seconded the motion. There being none opposed, the motion carried.

- X.** Communication from Attorney Lazos requesting a lot line relocation separating the B-2 Zone and the Industrial Zone for Donovan Spring property located off South Willow Street.

Alderman Wihby moved that Item X be referred to the Committee on Bills on Second Reading and to Public Hearing on Monday, August 6, 2001 at 6:00 PM in the Aldermanic Chambers of City Hall. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Report of Committee on Accounts, Enrollment and Revenue Administration

- AA.** Advising that it has accepted monthly financial statements (revenues only) for the year ended June 30, 2001 from the Finance Department, as enclosed, and submitting same to the Board for informational purposes.

Alderman Hirschmann stated I am pleased to report as Chairman of the Committee on Revenue that we have, in fact, exceeded our revenues for the City for the year 2000 and there were many people speculating it was a flat year for revenues and that the Aldermen when they budgeted they put in too much revenue. Well, the good news is we even exceeded the budget that we put together.

On motion of Alderman Hirschmann, duly seconded by Alderman Pariseau, it was voted to accept, receive and adopt the report of the Committee.

Report of the Committee on Community Improvement

- AH.** Recommending that the concept of the Granite Street Widening Project be accepted and that a presentation be made to the full Board at a meeting to be held on July 17, 2001.

Alderman O'Neil stated we did approve it for July 17th, but there was a scheduling conflict and made a motion that the presentation be held on August 7, 2001. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Report of the Committee on Lands and Buildings

- AU.** Recommending that boring tests be performed at the Singer Park site to determine whether or not a senior center can be built there.

Alderman Sysyn stated this was taken up before regarding borings at Singer Park and it seems to me that Jay Taylor recommended that we didn't do it because if we do find anything it could cost us a ton of money. If we leave it alone and let a developer do it then the cost would be borne by the developer and moved not to accept the report. Alderman Pinard duly seconded the motion.

Alderman Vaillancourt stated had my colleague from Ward 4 not removed this from the Consent Calendar, I would have also because I do remember sitting here a couple of months ago when I made a similar motion that we do this and we had alarmist go up and say oh, this could cost us millions and millions of dollars if we got to the bottom of what was actually there. So, I am interested in hearing an explanation from the Committee on Lands and Buildings as to why we have changed course in the last couple of months.

Alderman Levasseur stated I'll speak to that, your Honor. The last time we had a full Board meeting it was the wish of this Board to send this issue back down to Lands and Buildings and I expressed to all of you that it would come up as a three-to-one or three-zero or such vote and it did, it came out of committee at three to zero...I think Alderman Gatsas was not there and Chairman Cashin did not have to vote, so the other three Aldermen voted to go forward and dig borings over at Singer Park because we still feel...the three Aldermen on the Committee on Lands and Buildings still feel that Singer Park is the more viable site for a senior center and we did have very little discussion again on this issue, it is still our feeling that it is still possible to do so. Everybody says we shouldn't dig down there because if we do we're going to be responsible for it...well, we're telling the whole world that there is something down there and not going in there, so if anybody thinks a hotel is going to come along and say let's go dig over at Singer Park...the question really comes to this, your Honor, and I know a lot of people say that that's a good place for economic development. Singer Park down there has a stage on it

and it also has a 45 of 44 year lease with the soccer field, it's not going anywhere...that spot is what it is. Now, I don't know how you make a negative motion, your Honor, because the Consent Agenda says specifically that we're going to accept it, now you're saying you have a negative motion not to accept it, I think the motion is to go forward with the study. Now, whether it is going to be the will of this Board to go forward and dig those borings to see if we can put a Senior center on that issue is pretty much what we are going to have to debate again and I guess we're going to open it up to debate again, right now your Honor.

Mayor Baines stated the motion is to not accept the committee report that is an acceptable motion.

Deputy Clerk Johnson stated the Board has done that in the past.

Alderman Levasseur stated it is a positive motion...again, it was a three to nothing vote to go forward with it and now it is being asked to be negated.

Alderman Wihby stated my understanding was that what was sent back to the committee was to see if Maple Street...I didn't think we sent something like this back...that is what I thought we sent to the committee to see if Maple Street worked. I did not know we had sent back the borings.

Alderman Levasseur interjected what happened...we did talk again about Maple Street and there was no motion made to go with Maple Street and we made the motion to go with Singer Park, so that's how it worked.

Mayor Baines stated it is my understanding...I'll let Alderman Cashin speak about the analysis that was done actually recommended that, am I correct.

Alderman Cashin stated the analysis recommended we look at Maple Street which is why it went to committee originally, but in discussion in committee, I recommended that we didn't do the borings...the committee decided that they wanted to go ahead and do the borings and it came out with a three to zero vote...Alderman Gatsas wasn't present and I didn't vote. As far as the motion on the Board, I think the motion on the Board is okay and I think we could support that motion that was made by Alderman Sysyn, I don't see any problem with that.

Alderman Lopez stated I think this has been a very tiresome issue. I think the last time we had it is that the final phase of doing two more test borings which is when Jay Taylor said if you do that it could maybe cost you \$5 million and I think that's what steered

everybody to say no, we don't want to be responsible. But, in the meantime, I think a thorough investigation of the site has not been made and I'd like to ask Frank Thomas to speak in reference to a site investigation on the ground, I think they call it the ground field program. They are also in the US Senate trying to get more money for it. But, I think a third investigation of the site without the borings might be in order and whether the Superintendent agrees with that or not he can speak for it.

Mr. Thomas stated we've had borings done there, there were borings conducted under the stage area and there were two borings conducted in the area of the proposed Senior center. There were some signs of telltale oily-type of products down near the bottom of the borings. I'm not sure if it's prudent it makes sense to go ahead with any additional borings right now. I think what you're looking at doing if you want to evaluate that site anymore is to do an environmental site assessment, bring on a consultant, have the consultant evaluate the borings that were done, evaluate the soil samples that have been taken and if they determine do additional borings there. Once a site assessment is done the law basically does state that if anything is found it would be the responsibility of the City to treat, remove or contain contaminated materials. So, there is a possibility that once you've done this assessment and you find something you do have to report to the State DES and that there may be an obligation to address it. The ground field monies that are available are basically a general assessment of the site. It basically researches who previously owned the site, what was the site used for, basically they do an investigation of the paper trail. They don't actually go in and do the actual environmental assessment part of it. So, I think if you're looking at evaluating that site anymore you've got to bring in a consultant to do an environmental site investigation on it and could cost somewhere...I've talked to consultants...somewhere on the low side of \$10,000 to a high of \$50,000. Obviously, there would be a procurement process that you would have to go through.

Alderman Lopez asked, Frank, during that investigation am I to understand that if the person comes in and says no you shouldn't do the boring...as long as you don't do the boring on the actual site where the building is going to go, it's just an evaluation of the whole area, correct me if I'm wrong.

Mr. Thomas replied the ground field money that's available doesn't really get involved with doing borings or soil sampling...as I mentioned it's more of a research type of study...who owned the property previously, what it was used for, what kind of materials could possibly be in the ground...that's the Phase I of the Ground Field Site Assessment. Again, that's not going to really tell you a heck of a lot. Right now, I think we're probably getting close to the verge of getting to the point of reporting what we know already to this stage.

Mayor Baines stated I know that Mr. Taylor may want to offer a few words on this issue.

Mr. Taylor stated since I've been quoted liberally here, I just wanted to set the record straight as to exactly what it was I did say at that meeting. What I said simply was that should you decide to proceed with the borings that you should all be aware that there is some inherent risk in doing so and that if a major problem is discovered that the City will be libel, I said nothing more nor less than that. We'd simply have a heads up, an educational type of thing and to let you know there is some risk. If you decide to take the risk that's fine but be prepared to suffer the consequences in the event that something is found, so I didn't recommend for or against...I'm simply saying that there is a risk and be prepared to assume it.

Alderman Vaillancourt stated I assumed this was the item on the agenda that most of the people here tonight who spoke in the public session earlier were alluding to when they spoke about the Senior center again. If I had a pain in my chest, I wouldn't ignore it, I think I would go to a doctor and find out if in fact there was a problem. If I was physically ill, if I ignored it it would probably get worse and I might be to the point where I would be beyond helping myself. I think we're in that kind of metaphorical position here. We have a problem, it would be irresponsible to ignore the problem and as to any future liability if in fact we simply ignored this and then found out that there was a problem there, I would suggest that the Board would be even more libel later. So, I think the movement that I believe Alderman Lopez was moving toward and Mr. Thomas was leading us to would be to...I think we discussed this at a previous meeting to appropriate that amount of money to do the site evaluation...maybe not with the borings. So, I would think at this point a motion to table this would be in order and then move to go ahead with the site analysis at maybe a specific dollar amount and moved to table the motion on the floor.

Mayor Baines interjected I am not going to accept a motion to table at this point, I have one, two, three, four, five different Aldermen who have asked to speak and I think it's only fair that I allow them to speak and called upon Alderman Levasseur.

Alderman Levasseur stated I personally would want to say that I agree with Alderman Vaillancourt that I would like to do the analysis, we would do the assessment and I know you've suggested that, Mr. Thomas, and I respect your opinion and I would favor that opinion. If you did not want to do the borings right away and then do the analysis. I already have a feeling that the analysis is going to come back and it's not going to be favorable at all, that's my feeling already. But, I have a question, Jay, you can probably fix this for me...how much did it cost for a nine acre site over at Staples to take the dirt

out of there and clean it. Was it a million dollars for nine acres of dirt and you had to dig way down into the ground because you wanted to get your ice lower into the ground. It seems to me that these aren't even comparable. We're looking at a one-acre one-and-a-half acre site over at Singer Park that you don't have to dig into the ground for and I'd like to make one more statement...if we're going to go with Alderman Vaillancourt's suggestion, I would also like to suggest that we bring in Tom Sommers from CLD because I was lucky enough to speak with him about the Singer site and as everyone in this room or mostly knows Tom Sommers from CLD is one of the responsible engineers for doing all of the work over on the Riverwalk and in speaking to him about this site he agrees that this is a good spot for a Senior center and he said that...he told me that if there is a way to do this and it's not an impossible thing to do, so I would ask if we are going to go forward with this this evening, I would ask that Mr. Sommers be invited to give us a little bit of an explanation as an engineer and somebody who understands the Riverwalk because he's the one that has engineered that whole Riverwalk and is going to be working on the bridge going across to the west side. So, I would suggest that we bring this man in and maybe we discuss this a little bit further because I think we're making a mountain out of a mole hill here because we're looking at a small site and we're talking about a civic center site that took nine acres of land and we went way down into the ground to dig that hole so that we could put an hockey rink down there and I think we're really starting to compare strawberries to apples and we're not even coming close to the two fruits, we need to get this taken care of right here and right now. I agree that we need to find out what's over there and move with this project because I think that there is enough people in the City who have said and stated that their preference is for that park, so why don't we just get this over with and done and move one because this is just dragging on and on and it's becoming ridiculous.

Alderman Thibault asked, Frank, of the test borings that have been done and you've just stated that there were minimal amounts of oils, residues, whatever...

Mr. Thomas stated there were notes on at least two the boring logs that indicated the possibility of an oily substance or creosote. As I mentioned before once you determine exactly the amount...if it's just a little bit it could be like the Civic center...mildly contaminated soil. If there is a lot of this material floating around the ground water saturated into the soils it could require remediation which could involve containment wells...actually, extraction could mean excavating materials...the Highway Department years ago had a leaking gasoline tank that dumped quite a bit of fuel into the ground water around the Highway Department yard...it was quite an expensive undertaking to remove that material (close to a million dollars)...luckily the State odd fund paid the majority of that money. I don't believe that there would be funds available for this type of remedial...I think what staff is trying to pass onto the Board is that there is a potential

remedial action that you might have to take on the site if you move forward. If you are going to move forward you should move forward with your eyes open and I would suggest bringing on a consultant that specializes in this area. The consultant that I've been talking to is the consultant that that's their main line of business, the type of consultants that handled our problem over at the Highway Department successfully. I have no problem with Alderman Vaillancourt's suggestion to bring Tom Sommers in he's a knowledgeable consultant too.

Alderman Thibault stated I guess that's my next follow-up, I would have to agree with Alderman Levasseur...we're talking about a very small parcel of land here as compared to what we just did here at the Civic center, so the potential is not really there for a major overhaul if I look at what you're saying.

Mr. Thomas stated all I can pass on is what our consultant told me and our consultant passed on to me that if in fact there is a substantial amount of creosote in that area the clean up of this material could be very expensive and that's just a quote from him.

Alderman Hirschmann stated I guess I am going to ask Alderman Sysyn to amend the motion so that we could go with the recommendation of the department head.

Mayor Baines indicated she does not want to amend her motion.

Alderman Hirschmann stated I will continue then...the politics of resistance in this room with this issue is not right. Singer Park has right now standing a 50 x 80 a 4,000 square foot building for food service, locker rooms, bathrooms for the general public we built bleachers, we have people going to concerts...six and eight thousand people...we're using this site. We dug test boring pits under the stage where they're having these concerts, so you've already opened up the public to whatever calamity you're worried about. I don't see why this motion could not be amended to appease this Board so that once and for all the seniors of our community would know whether the site is feasible or whether it isn't...whatever the consultant says this Board will listen...as City leaders we should listen to a consultant who knows about these things. We shouldn't, on our own, make a decision. So, I'm asking you Alderman Sysyn, please for the seniors please amend this motion.

Mr. Taylor stated I think what Frank is suggesting is an intermediate step from going to the extreme of actually physically taking the borings and exploring the situation and that's a reasonable position. All we're saying, as I said before is we are simply telling you there is some potential there and you should know about it before you decide what you're going to do.

Alderman Shea stated we're talking about effects, the main question before the members of this particular Board is do the members of this Board really and truly want to build a self-standing, modern, updated Senior center and from what my opinion and judgment is the answer is no. They want to stick people in some kind of an area where they can placate the people for the next few months in order to justify that they are doing something to help them, but we don't do the same thing, we don't build a second-hand skateboard, a second-hand civic center, a second-hand Riverwalk, we don't do it second-hand, we go right to the source and here we're dodging and we're shifting and we're bobbing and we're weaving and we are, as a Board, we're about as interested in senior's benefits as probably we are in terms of Montreal winning the World Series.

Alderman Clancy stated first of all we haven't picked a site. Second of all you're talking nine acres at the Civic center to one acre down here at Singer Park. Now, Frank, here's a question for you. If we open the one acre up and we find out the soil is contaminated they're not going to just say stop at one acre, are they. We're going to have to keep going until we clean it up. Is that yes or no.

Mr. Thomas replied potentially not, it depends on how vast that contaminated area is. As I mentioned, when the Highway Department had this fuel leak and we lost 15,000 gallons over a period of time of fuel into the ground it started and included our entire site, it included Maple Street and west of Maple Street under another building. So, it can expand.

Alderman Clancy stated it can cost the City more than ten to fifty thousand dollars can't it.

Mr. Thomas stated without knowing exactly what's there and the extent of what's there, yes, it could be a minor thing like scooping up some of the bad material and hauling it away or it could mean remedial treatment which is anything from pumping to excavating down to 30 or 40 feet.

Alderman Clancy stated what I can't understand is that we have a standing building on Maple Street, it's already up there, it only needs a little renovations and plenty of parking. I heard the people tonight saying they're looking for parking. One guy said pay nothing or minimal amount of money to park. They've got the coliseum and maybe 30 spaces in front of the building itself, I can't understand it. It's a good building on Maple Street and if we don't use it for five or ten years whatever they want to do we can use it ourselves and consolidate some of these departments into it later on.

Alderman Gatsas stated the item that was referred to Lands and Buildings on June 5 was a communication from the Destination Manchester Coordinator regarding 1415 Elm Street and 265 Maple Street. I agree, I was not at the meeting, but I certainly don't know how the borings things came back into the picture. So, if we want to continue down that street I guess some of the questions...we had a study that was already done, Frank.

Mr. Thomas replied no. At one time, we did get a directive to take a couple of additional borings in that area not so much to determine if there was contaminated material there but to determine whether pilings would be required under the Senior center to adjust the cost. Those borings that were done in addition to the borings that were done under the stage area gave some information which we then turned over to the various consultants just to take a look at to give us some free recommendations...so we have never had a full report. We've had off the cuff statements and recommendations.

Alderman Gatsas stated but those borings said that we had to go at least 30 to 50 feet down with pilings and it could be further than that if you did a fully expanded survey of that area.

Mr. Thomas stated that is correct. The borings that we had done went down about 40 feet and basically indicated silty material...above the 40 feet was basically a fill type of material ash and whatnot. Below that was a silty material so there would have to be a study to determine how far down the piles would have to go.

Alderman Gatsas stated if there is a cleanup we're not talking about a surface cleanup, we're talking something that could go 40 feet or deeper.

Mr. Thomas replied yes, but there is a lot of types of....

Alderman Gatsas stated without you being an expert in the environmental field of cleanups your opinion or what we've seen is...

Mr. Thomas stated if this material is floating on the ground water then you would have to take it out of the ground water. If the soil is contaminated then that would have to come out.

Alderman Lopez stated I think in reading the report, Frank, if I recollect it went down 70 feet, they could put the piling down 70 feet, not 40 feet, am I correct.

Mr. Thomas replied the two borings that I have only went down 40 feet. They may have noted that piles would have to go down 70 feet somewhere down along the line.

Alderman Cashin stated Alderman Gatsas brought up a question about how the borings came up and I'll try to explain it. You're right, the items were the two buildings in question. A motion was made by Alderman Levasseur and was seconded by Alderman Shea that they do the borings at the Singer site and it was voted on by Alderman Levasseur, Alderman Shea and Alderman Thibault and it passed...that is how it got here, so it was a legitimate vote.

Mayor Baines stated the committee did not act on the report from the Destination Manchester Coordinator...

Alderman Cashin stated they never addressed the other two, no, they just voted on the borings and that was the end of it.

Alderman Levasseur stated thank you for clarifying that, Alderman Cashin. Does creosote move around, this chemical stuff...what is what. Does it move around or does it stay in one location.

Mr. Thomas replied the preservative that was used...

Alderman Levasseur asked does it move around or does it stay in one spot.

Mr. Thomas replied it potentially could move as ground water moves.

Alderman Levasseur stated so we have kids plays soccer down at Singer Park, we have 10,000 people showing up on picnics sitting on picnic blankets having fun, sitting down, running around on wet dewy soil and we don't have a problem with that.

Mayor Baines asked, Mr. Thomas, could you clarify that.

Mr. Thomas stated the ground water is down fairly deep there, it's normally floating on top of the ground water, it's probably quite frankly under the river itself.

Alderman Levasseur stated when we put together the analysis that we spent \$40,000 on to develop two sites the price came up to \$2.8 million and included in that price was pilings that were to be driven down into the ground so that the ground could be built on the pilings, so we don't even have to dig all the way down, isn't that correct...you were smart enough to put that into the budget so that we'd be all set, correct.

Mr. Thomas replied that is correct.

Alderman Levasseur stated I wasn't here before when we were going over the Civic center site, but I can honestly say and there was obviously a bunch of Aldermen here before when you were discussing whether to build the Civic center over on the Staples site, but I never remembered any kind of questions or reading about in the paper how everybody in our City government saying oh geese we've got to be really careful, we've got to do all of these tests, we don't know if we can dig over on that Staples site because God forbid we find something big there. This is the best statement that I've heard out of this whole thing is this seems to be the politics of resistance. Where was the politics of resistance for the nine acre site at Staples.

Mayor Baines stated there's a history, let Jay respond to that because I think it has a lot to do with the history of that site that certainly Jay...

Mr. Taylor stated there were a series of samples taken in a grid pattern across the Civic center site prior to the City's acquisition of the property and basically what those samples showed was that there was nothing of any consequence under there that would warrant a great deal of concern and I'm not sure that's the same issue as we're facing here to be fair to the extent that some samples have already been taken and showing some chemicals which give you the red light that says wait a minutes there's a potential problem here and I think that's the difference between the two issues that we're talking about.

Alderman Levasseur stated when we put the consignment building like Alderman Hirschmann was stating, we have a building already on the property did they do a test pit under that property before they put the building up.

Mr. Thomas replied I don't know it was done by the Park Foundation.

Alderman Levasseur stated no one was raising the stink back then about oh, jeez...we have food being served out of there and we have water coming out of the taps...now, when you look at the site itself...now, I'm not an engineer by any means, but you look at the site itself, it's on high ground and below the high ground is the Riverwalk. You're looking at a very steep drop from where you would put the Senior center which would overlook the river and then the steep drop that goes down to the Riverwalk. The Riverwalk is down low where you say there's this creosote...you're down here where the Riverwalk is and you're up here where we are going to put the building...if it's anywhere, it's down here where the people are walking along the river and to be honest with you, Mayor, if Tom Sommers says it can be done...Tom Sommers from CLD is the one who put the Riverwalk in and has engineered it. If he says it can be done, I think we should hear from him because he's the one that said...he didn't get all excited about the fact that

there was any kind of chemicals in there even though he stated there probably was some stuff in there. But, what about when you were putting the Riverwalk in, did anybody dig any test pits, is it okay for people to walk along the Riverwalk, but not be inside a building with a cement foundation. It just doesn't make any sense the way we're going along in this argument and I don't understand the logic of all of this. It seems like the politics of resistance on this is really kicking us in the head from logic...

Alderman Sysyn interjected that's not politics on my end. I have a problem understanding why you didn't vote on the original question.

Alderman Levasseur asked which question.

Alderman Sysyn replied either Maple Street or 1415 Elm Street.

Alderman Levasseur stated we brought the issue up, your Honor, and none of us that were voting said we wanted anything to do with Maple Street and if you go back to the minutes, I told you it would go back down into another committee and I told you what the vote would be and I told you we'd be right back up here. And, I'd like to make one more point...you're talking about an assessment where we've made an amendment here by Alderman Vaillancourt to do an assessment and you're saying it cost us between ten and fifty thousand...we know the borings are going to cost us twenty-six, so the borings are going to cost us \$26,000 but we're going to take a chance on the difference between ten and fifty thousand on the assessment. Why not just go right to the meat of it and find out what's going on there. Everybody knows now who's listening that there is probably something over there now. So, if you're building a hotel and you want to come down there you probably won't want to now because there's something there. It's out in the open, we've got to get this thing figured out once and for all.

Mr. Thomas stated I don't know who mentioned the figure of \$26,000 for borings.

Alderman Levasseur stated I thought that was the original price, wasn't that at the last meeting we had.

Mr. Thomas stated again, I think there must be some confusion over doing a site assessment and doing just borings alone. We had two borings done for \$1,000, so you're not talking \$26,000. An environmental site assessment hopefully would be in the range of \$25,000 to \$26,000. The consultant that we talked to said for budgeting purposes throw a range of ten to fifty thousand dollars, so if you average it out you're probably in that range of about \$25-26,000.

Alderman Levasseur stated if it's not \$26,000 and it's only \$1,000 to do the borings...we can do the two borings for \$2,000 let's not get the assessment and spend \$25,000.

Mr. Thomas stated the borings aren't going to tell you anything new. You need to have a soils expert, an expert in this type of material, this contaminated materials and remediation to do the full assessment.

Alderman Levasseur asked would it be better to ask the guys from CLD to come in and say what can be done before we do all of these borings and say listen...let's get the engineer in here to say, listen...if the borings are done and they come up say negative then he's going to tell us okay, this is what you can do, you can build a slab and you can throw this in here...they can tell us how they are going to engineer around it. Wouldn't that be a safer more feasible way of doing this.

Mr. Thomas stated Tom Sommers will be at the next Board meeting to give a presentation on Granite Street, I will forewarn him that you're going to ask him that question.

Alderman Wihby asked, your Honor, I'm just wondering what the status is of the committee you had formed to look into the Senior center site.

Mayor Baines replied I know Barbara's been going around, I think Barbara could just briefly update what's going on with that committee that we've put together of the professionals...Fred Ruszek...Fred's not here tonight, but he's chairing that effort.

Ms. Vigneault stated there's been a task force that has been appointed to study services for seniors in the Greater Manchester area and the task force is studying all types of services not just senior center related services, but have been visiting a number of localities to see what they're offering for seniors and that's what the task force is doing.

Mayor Baines stated basically what we are trying to do is an inventory of different services that are available for seniors in the area that would potentially provide if in fact a senior center were built or created...different agencies that could work with us to provide services for seniors. They also went to Portsmouth and they went to Portland.

Alderman Wihby asked is that committee going to be telling us a different size or where it should be located or what other programs should be done there.

Mayor Baines replied they could do that.

Ms. Vigneault stated the committee hasn't been discussing senior sites or senior programs within a senior center. They're talking about delivering programs as a service network and the service network involves a gamut of different areas of needs...housing and income and how these programs...transportation...all these types of programs and how they should be delivered within a community to the better access of seniors and they're really not talking about studying the sizes of senior centers or visiting senior centers in particular, they're looking at what types of services are delivered in communities, not just senior centers.

Alderman Wihby stated but, delivered within a senior center maybe or not.

Ms. Vigneault replied it could be and it could be delivered within an office like Portland, Maine...they have a different set up than Manchester does and they have services that are advocacy and different programs that we run as well but they do it under a different location other than a senior center.

Mayor Baines stated this is the first time, Barbara, if I'm not incorrect here that all of the different agencies that provide senior services have been brought together to be engaged in a discussion of the different services that should be available for seniors, am I correct.

Ms. Vigneault stated it's a first-time of trying to look at innovative ways in which to deliver services in an out-of-the-box type of thinking, so that they would have services provided in a different way so that people can access them and that they can be delivered by agencies within the community and then they will all take part in providing those services.

Alderman Wihby stated but we're not looking to provide those services within a senior center.

Ms. Vigneault stated we're looking at a coordination model and currently we do coordinate with all of the other agencies that provide services to seniors, but they're looking at innovative ways in which to improve or expand or to help develop that coordination further.

Alderman Wihby stated I guess what I'm getting at is you're not looking at putting all of these different programs within the Senior center to do more things at the Senior center to save money or stop duplication of programs or whatever...you're not looking to incorporate that into a building within the Senior center.

Ms. Vigneault replied that is in the discussion of how could that be done. Should it be done through a senior center that hosts all of these agencies within one roof, should it be a campus type of...

Alderman Wihby asked does anybody do that host within a senior center all of the different groups.

Ms. Vigneault replied the sites that we have seen haven't done that for seniors.

Alderman Shea asked, Barbara, what is the consensus of the seniors...do they want a self-standing, updated building or do they want just a regular building like what they have now...one on the east side, one on the west side, what do the seniors really want. You deal with them and also Claire deals with them, what do they want...the truth.

Ms. Vigneault replied what we have heard from the seniors and as you saw they can speak for themselves, they would like to have a place where they can go and socialize and get programs and get help with services that they might need that they might know exists and to help them access that network that they might need help with and that's what we do now and that's what they're looking for. They want it in a free-standing facility of their own because of the identity and because they want to be able to have something that's theirs. But, as far as the place...way back I had said it depends on who you talk to because everyone has their own idea of where it should be, but they want it primarily to have parking and to be accessible.

Alderman Shea stated as you recall when we did the feasibility study the architect and I and three other members felt that the best place was Derryfield Park, but because of the land and water conservation fund there was difficulty because the federal government through the parks...funds for the external improvements of parks and, therefore, it would be difficult but not impossible to have the senior center at Derryfield Park. However, because of the time element, I personally along with a couple of others felt that because it would take forever and a day to have Derryfield Park as a viable choice we relented and said okay we'll go to Singer Park, but right now I'm thinking if there are problems down at Singer Park then Derryfield Park certainly should be an option as far as looking into it and seeing whether it is a feasible place to build a senior center. But, I don't want to get off that tangent and want to get onto another...in reference to Alderman Wihby in Chelmsford, Massachusetts when we did visit we both know that they provide extensive services...a grieving process, a day care, they provide for shuffle board, they provide for pools, a pool table...for all types of activities so that it is conceivable and very possible to include all of these in a self-standing building. It is not possible to include it at a place such as the Teamster's Hall or where you're located or where Claire's located. So, this is

the major focus that we should be centering ourselves on and it should be the major kind of concentration...do we want to provide the seniors with a self-standing, updated building...maybe not this year, maybe not next year or should we grab the money that we have set aside and pay for a Teamster's Hall and also put it back into a 10 or 15 year process and these are the questions we should ask ourselves.

Mayor Baines called for a vote on the motion to not accept the report.

Alderman Levasseur asked, Mayor, would you accept a motion to table.

Mayor Baines replied the only thing is that this is borings and I think Frank has made it very clear that it's a waste of money, so I think we should dispose of...

Alderman Hirschmann asked can we amend the motion.

Mayor Baines replied let's deal with that and then if you want to put something else on the floor, I think the borings question has become "boring". Why don't we take a vote on the motion.

Alderman Lopez stated to clarify, just to make sure I know what the motion is but I think what we're saying is site investigation...that is what Frank is saying is a separate issue.

Mayor Baines stated the motion is to not go ahead with the borings.

Alderman Lopez asked may I ask one question of Frank. As an engineer, Frank, "contain the contamination"...what does that mean. I, as a layman...does that mean don't touch it, put grass over it, let it go if you did find something.

Mr. Thomas replied it could mean anything depending on exactly what's there and how concentrated it is. If you just have a grass area and the concentrations aren't too great that may be all you need to do is allow the vapors to come up through the ground. If it's a high concentration, as I mentioned, it could mean putting in wells and actually extraction wells and actually pumping water out and treating it. Again, depending on what's there it may also require removing soils. So, it's a very difficult question to say unless you do this environmental assessment of the site.

Alderman Cashin stated, your Honor, I think what we want to do here tonight is vote down the motion and then if somebody wants to bring in another motion to investigate it, go ahead.

Mayor Baines stated I think we've discussed this to death, I think we need to vote, people know how they're going to vote.

Mayor Baines called for a vote on the motion to not accept the report. There being none opposed, the motion carried.

Alderman Hirschmann moved to take the department head's professional advice and get the site assessment required for having a senior center at Singer Park. We're not talking about borings. We're talking about a site assessment within the \$10,000 range, do you expect.

Mr. Thomas replied you should budget up to \$50,000.

Alderman Hirschmann moved to amend his motion for the site assessment for up to \$50,000. Alderman Shea duly seconded the motion.

Mr. Thomas stated that's if you want to know what's there.

Alderman Hirschmann stated we want to know, Frank.

Mayor Baines stated wait, there's a question about the bond, Kevin.

Mr. Clougherty stated this would be an eligible item that you could do but it would reduce the amount of money that you have available to actually build the building.

Mayor Baines called for a vote on the motion for site assessment for up to \$50,000.

Alderman Vaillancourt stated for me this has gone beyond the senior center and I would like to ask the City Solicitor a question. If knowing that we may have a problem there, we simply ignore this, are we not libel at some future time even by ignoring this.

Deputy Solicitor Arnold replied I'm not quite sure how to answer that question.

Alderman Vaillancourt stated I think it's a very important question to have answered.

Deputy Solicitor Arnold stated we own the property. If there turns out to be a problem, yes, the City will be libel, but I can't say that we're absolutely going to be libel for some future event based on unknowns.

Alderman Vaillancourt stated based on the fact that we now know that there could be a problem there if we simply ignore it doesn't that make us more libel in the future.

Alderman Wihby interjected we don't know that.

Mayor Baines stated I think he said he really doesn't know the answer.

Mayor Baines called for a vote on the motion for site assessment for up to \$50,000.

Alderman Levasseur stated before we go forward, I don't believe that we took a proper vote on the original motion to not accept the committee's report, I thought we were about to have a roll call, your Honor, and I didn't hear anything. You even said it, if you want to go over the minutes...three people said yes, that's not enough to make a motion carry.

Mayor Baines stated no one said no and the motion carried and then I asked does anybody want to call for a roll...

Alderman Levasseur stated I think there was some confusion and I think we should clarify the confusion for the record.

Mayor Baines stated I called for a vote and if you want to make another motion I'd be glad to entertain it and called for a vote on the motion for a site assessment for up to \$50,000.

Alderman Levasseur stated the Clerk is saying she did not record any no's, so we need to see how many people said no on that motion.

Mayor Baines stated no one said no and no one called for a roll. There is another motion on the floor and a roll call vote has been requested and will begin with Alderman Vaillancourt.

Alderman Vaillancourt asked do you want to restate the motion.

Alderman Hirschmann replied that we were going to take the department head, a professional engineer's advice and move ahead and seek a site assessment of a duly qualified engineer.

Mayor Baines asked is that what you said Mr. Thomas.

Mr. Thomas replied if the Board of Mayor and Aldermen wants to determine what's on the site and how to proceed then you need a full blown environmental assessment. I don't have a recommendation on this, I think you have to determine where you want the site first.

Alderman Hirschmann stated the department head made a recommendation to this Board, you sat there, Frank, you said you would not go with borings, you would go with a site assessment, so I am moving for the site assessment, could you please tell them that.

Mr. Thomas stated if the Board of Mayor and Aldermen wants to determine...

Alderman Hirschmann stated if you want to dance on the fence, go ahead, I made the motion.

Mr. Thomas stated I am not dancing on a fence here.

Mayor Baines interjected I am going to make a statement here; that was not appropriate and I think Mr. Thomas has a stellar reputation of being very candid and very forthright to this Board and to this community.

Alderman Levasseur interjected nobody stated that he didn't have that kind of reputation, you're berating an Alderman who's trying to get a clarification.

Mayor Baines stated he talked about dancing and I don't think that was an appropriate comment. Mr. Thomas if you would like to clarify your statement.

Mr. Thomas stated I am not trying to dance on the fence. If the Board of Mayor and Aldermen wants to determine what's on that site in order to proceed with building on it then borings aren't going to give you the answer. You want to do a full blown engineered site assessment, an environmental site assessment.

Mayor Baines stated we will now proceed with the roll call.

A roll call vote was taken on the motion to proceed with an environmental site assessment at Singer Park with expenditures up to \$50,000. Aldermen Vaillancourt, Thibault, Hirschmann, Levasseur, Lopez and Shea voted yea. Aldermen Pariseau, Cashin, Wihby, Gatsas, Sysyn, Clancy, Pinard and O'Neil voted nay. The motion failed.

Alderman Levasseur moved that at the next full Board meeting the Board invite the engineer from CLD to come in and explain to us what could possibly be done at that site instead of doing an assessment and borings. Alderman Shea duly seconded the motion.

Alderman Wihby stated that's a good question that's going to come up to this Board to vote on and I think if that's defeated, I think Singer Park is not the site and we should move on and start looking for a better site. If the motion is accepted then I guess there's still a chance for Singer Park, but this discussion we've had for a year and we're not moving any further...we started on the Sears site and then we went to Singer and then gave up on both and then said okay we're going to find a new one and then somehow went back to Singer, now we're discussing Maple Street, let's just move all...let's take this next vote that Alderman Levasseur is saying and if we vote not to do it then let's forget about the Singer site, it's actually a vote on do we want to go to Singer or no; that is what this vote is. If we bring them here just to have a discussion with him and we're going to vote against Singer then there is no sense to bringing him in, so let's move forward. If we vote to have him come in then there's a chance that it could be at Singer, if you don't want it at Singer don't vote yes just to bring him in and delay this thing another month. My recommendation would be that we vote it up or down today, if we're looking at Singer as a possibility and then work on something to come up with a solution...another committee working with some department or wherever we're at...back to Lands and Buildings, so I'd suggest going somewhere else and having another committee looking at it, but doing something different and get off of this issue.

Mayor Baines stated I just want to make clear that the Board authorized the Destination Manchester Coordinator to do an analysis, he did the analysis and made his recommendations.

Alderman Shea stated I go back to my original question that I asked each one and do we really want to build a senior center and my answer, at that time, was no. But, if you want to consider different sites we had a feasibility study done, the architect said the best possible site is Derryfield Park, nobody wants to go to Derryfield Park, nobody wants to go anyplace but the Teamster's Hall, you know that. You have enough votes to carry that and that's what the people here are looking for. They're looking to go to Teamster's Hall to placate the seniors, there isn't any if's, and's or but's about it because if you're really interested in building a self-standing senior center you would vote to do that and nobody here (the majority) are not willing.

Alderman Wihby stated we haven't taken a vote on Maple Street, we haven't take a vote on Derryfield Park; that was eliminate a long time ago before it came to this Board.

Alderman Shea interjected the Teamster's Hall is not a self-standing building.

Mayor Baines stated there is no motion on the floor for the Teamster's Hall.

Alderman Wihby stated Alderman Shea brings up Derryfield Park, I'm not opposed to Derryfield Park and looking at it again; that might be a possibility if we exchange the land with Singer Park and Derryfield that might be a possibility that's there, but again, if we keep voting to delay and speak to someone else and not do anything more to look at another site, we're not going to get anywhere.

Mayor Baines stated we need to move forward rather than backward.

Alderman Hirschmann stated the original task force that you appointed is the task force that Alderman Shea is talking about doesn't exist anymore but made the matrix and showed us where the best sites are, is that correct.

Mayor Baines stated actually it was started under the previous administration, but yes.

Alderman Hirschmann stated there was another task force and they came up with the size of the building that will be required and the best site possible and it came down to four sites...can someone refresh my memory as to what they were.

Alderman Shea replied the four sites were: Derryfield Park, Singer Park A & B and Sears...those were the four sites that was agreed upon.

Alderman Hirschmann stated I don't think anything but those four sites should be considered.

Mayor Baines stated the Board has the ability to consider anything they want to consider.

Alderman Wihby stated I think we've eliminated all four. If we take this vote that's coming up and we eliminate having him even come talk to us about Singer Park then we just eliminated Singer Park, we've eliminated all four and I think it's back to the drawing board with a committee. I don't know how we're going to be forced to vote for one of the four.

Alderman Levasseur stated I'd like to clarify the motion we are about to vote on. All we're making, like I said, we still have not heard from a professional in the field of engineering. We've been talking about it for a year, we don't want to spend the \$50,000 to go out and get an assessment and I don't know if Tom Sommers will be willing to

come in and just give us a run down on what possibly could be done, I don't know if he'll charge us...we do a lot of business with him, I don't see why he wouldn't do us a freebee. Most of the people that are fighting about this that don't want to put it over there are fighting because they say the soil is bad. So, if an engineer comes in front of us and says well, no, we can do this and it's not going to cost you \$5 million in soil, so what then would be the problem. I would suggest that we hear what he has to say and go forward with there and that's the motion that's on the floor.

Mayor Baines called for a vote on the motion.

A roll call vote was taken on the motion that an engineer from CLD be invited to the next Board meeting to explain what could possibly be done at the Singer Park site instead of doing an assessment and borings. Aldermen Wihby, Gatsas, Sysyn, Clancy, Pinard, O'Neil, Lopez, Pariseau and Cashin voted nay. Aldermen Levasseur, Shea, Vaillancourt, Thibault and Hirschmann voted nay. The motion failed.

Alderman Wihby stated obviously the full Board or the majority of the Board and it's only nine, so it still takes another vote to come for another solution does not feel as though Singer is the place to do, so I don't think we should send it back to a committee and have another report coming back saying Singer Park again. I think effectively Singer Park is not the location that the senior center is going to end up being. My solution, your Honor, would be to set up another committee somewhere and I don't know if it's Aldermen or the public or whatever it is and to look back into the facilities, checking back at Derryfield Park...doing all of the different things we have and looking over the four again, but also looking for new sites and come back with a report, your Honor.

Mayor Baines stated the normal process, I think, has been that the Planning Department gets involved in that am I right, Mr. MacKenzie.

Mr. MacKenzie replied there are different ways to do it. We have been involved in a number of the projects and in site selection.

Mayor Baines stated let's give that some thought. Where are we...

Alderman Vaillancourt moved to ask the City Solicitor regardless of the senior center to determine if we have any obligation to explore what is at Singer Park.

Mayor Baines stated why don't I just ask the City Solicitor's Office just to render a written opinion on this question, I'll do that.

Alderman Vaillancourt stated you will accept the motion.

Mayor Baines stated no, just do it.

Alderman Levasseur moved for reconsideration that an engineer from CLD be invited to the next Board meeting to explain what could possibly be done at the Singer Park site instead of doing an assessment and borings.

Report of the Special Committee on the Civic Center

BF. Advising that it has approved relocation expenses pursuant to an agreement with the Manchester Housing and Redevelopment Authority, dated December 22, 1999, for the following:

Gulf South Medical Supply:	\$69,840.00
Sports Fans Heaven/Collectors Heaven:	<u>\$13,239.00</u>
Total	\$83,079.00

Alderman Shea asked is the \$83,079 coming out of the regular allocation or is it something in addition to what we have set aside. Can Jay answer that.

Mr. Taylor replied the answer to the question is that there is money in the current budget for relocation and this money would come out of that line item.

Alderman Shea asked how about the relocation sites of those particular businesses. Are they going to be Downtown or at some other site, do you know.

Mr. Taylor replied Sports/Collectors Heaven is Downtown, they moved about a block north. Gulf Medical Supply I believe built a new building in Londonderry and has moved out of the City.

Alderman Vaillancourt stated I had a very revealing conversation with Peter Levy the other day and when you talk about the relocation of these two items, Mr. Levy acknowledged to me without my even prodding him, I didn't even ask the right questions. You talk about Diogenese in search of an honest man...Mr. Levy proved to be just that saying that there is going to be a problem with the Staples relocation; that isn't even going to go to court until January and he said he sees a problem like that and I said well, I've been saying that for a year now and he said don't say I told you so. So, would you like to tell us at this particular time how much money we have for the Staples relocation and how we're going to manage that after all is said and done, not until next January.

Mr. Taylor replied I'm not sure I can answer your question entirely other than to say there is an amount of money and I believe it's \$200,000 on deposit with the Commission on

Tax & Land Appeals in Concord which will deal with that issue when that hearing takes place. The City's position and the Manchester Housing and Redevelopment Authority's position on that is that first of all, whether the issue is whether or not there are tenant improvements there that Staples had put into the building that were compensable...the City's appraiser said there were no compensable damages. Apparently, it's Staples' position that there are and this is what the decision will be and there is a \$200,000 amount on deposit currently with the Board of Tax & Land Appeals to deal with that issue, that is all I know about it.

Alderman Vaillancourt stated \$200,000 beyond the \$83,000 for these two items.

Mr. Taylor replied correct.

Alderman Vaillancourt stated my question specifically to Mr. Levy that prompted this was legal fees. He said he has no plans to pay for the legal fees out of the monies that have been generated for him to build the civic center. How are we going to pay for the legal fees for that.

Mr. Taylor replied I can't answer that question; that is a question that I guess Peter would have to comment on.

Alderman Vaillancourt stated that is what he was commenting on, he has no plans to pay for that, but it's not the City Solicitor that's approving it. Apparently, it is the civic center lawyers, so I'm wondering how when we get to that bridge we're going to drive across it.

Mr. Taylor stated I guess that would be a question, I think, we would put to Peter and not to me, I can't answer that.

Alderman Shea moved to accept, receive and adopt the report of the Special Committee on the Civic Center. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Report of the Special Committee on the Civic Center

BH. Advising that it has approved the following change orders:
Change Order #30 deducting \$145,871.00;
Change Order #31 adding \$124,185.00;
Change Order #32 adding \$12,193.00;
Change Order #33 adding \$18,521.00;
Change Order #34 adding \$20,221.00; and
Change Order #35 adding \$226,950.00
which were filed with the Committee on June 18, 2001.

Alderman Vaillancourt stated this is in regard to Civic Center chargebacks and additional costs, I'm wondering if this would be an appropriate time to move an addendum to amend this motion of accepting it by making a motion regarding some of the information that was provided in the public comment tonight that the City ask the State Board of Engineers to come in and do an assessment to guarantee that there is no hazard with that piling problem. I understand that a third party engineer would be something that would be advisable and that the City should do this and it could probably be done at no cost. So, I'm wondering if this would be an appropriate time to make that motion.

Alderman Shea duly seconded the motion if acceptable.

Mayor Baines stated first can we accept the committee report and then accept a motion, what would the actual amendment be.

Alderman Vaillancourt replied the amendment would be that the City ask, at no cost to the City, that the State Board of Engineers sending a third party analysis to see if that problem with the piling is indeed a problem or if in fact it is structurally okay.

Mayor Baines stated I would like to get a clear motion on this.

Aldermen Cashin stated I don't know how you can amend a committee report.

Alderman Vaillancourt stated I will bring it up under new business if you prefer that.

Mayor Baines stated that is what I would suggest, let's just accept the committee report and if you want to bring up another motion we could do that.

Alderman Clancy moved to accept the second report of the Special Committee on the Civic Center. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

Alderman O'Neil referred to Item AI, stating he wished to be recorded in opposition because he wished to seen them finish one of the two trail systems we started we started before we start applying for money for a third. It was noted that the vote had already occurred on the Consent Agenda, however, his comments would be noted in the minutes.

7. Nominations by Mayor Baines:

Millyard Design Review Committee

Maria Skaperdas, Heritage Commission representation, to succeed herself, term to expire January 1, 2004;
Fred Urtz, architect or design professional representative, to succeed himself, term to expire January 1, 2004; and
Don Clark (representative of Dean Kamen, property owner representative) to succeed himself, term to expire January 1, 2003.

Planning Board

Joan Bennett to succeed herself, term to expire May 1, 2004

Fire Commission

David Letellier to succeed himself, term to expire May 1, 2004

Police Commission

Ralph Garst to succeed himself, term to expire September 15, 2004

Board of Registrars

Rita Pepino to succeed herself, term to expire May 1, 2004; and
Brian McHugh to succeed himself, term to expire May 1, 2004

Parks, Recreation & Cemetery Commission

Thomas Murphy to succeed himself, term to expire July 7, 2004; and
Joseph Sullivan to succeed himself, term to expire July 7, 2004

Board of Health

Dr. Richard Friedman to succeed himself, term to expire July 1, 2004; and
Sophia Antoniou to succeed herself, term to expire July 1, 2004

Central Business Service District Advisory Board

Fran Ciriello to succeed herself, term to expire December 1, 2005; and
John Madden to succeed himself, term to expire December 1, 2005

Alderman Pariseau moved to suspend the rules to confirm nominations. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Alderman Pariseau moved to confirm the nominations as presented. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

Additional Nominations by Mayor Baines to lay over to next meeting:

Planning Board

Kevin McCue to fill expired term of William Trombly, term to expire May 1, 2004; and
Raymond Clement to fill expired term of Kevin McCue (alternate position), term to expire May 1, 2004

Central Business Service District Advisory Board

Cliff Ross to fill the expire term of William Norton, term to expire
December 1, 2005,

Sal Steven-Hubbard to fill the expired term of Mark Taylor, term to expire
December 1, 2005; and

Tim Bechert to fill the expired term of Brooks McQuade, term to expire
December 1, 2005.

Alderman Hirschmann asked in reference to the Central Business Service District
Advisory Board is it a requirement that they live in Manchester.

Mayor Baines replied no.

Alderman Hirschmann stated I am just asking because it appears that you're nominating
people from outside the community.

Mayor Baines stated the history of the people who are in business.

Deputy Clerk Johnson stated my understanding when we had reviewed that at the time
that it is not a requirement that they lived in town because it's including Downtown
businesses.

Alderman Levasseur asked for clarification. Mayor, you've made a statement about
somebody being from the west side, is that something that is suppose to happen. The
other four people live in the north end, what's up with that.

Mayor Baines stated we're trying to get a balance on the different boards and we actually
sought...

Alderman Levasseur interjected we hope you're looking for qualified people, not because
they live in certain areas.

Mayor Baines stated absolutely, I'm just making a point.

Alderman Levasseur stated I just heard the west side and I didn't know what that was
about.

Alderman Vaillancourt stated I have a question. I'm going to bring this up now because I
was inundated in the supermarket the other day by people that were concerned about a
vacancy on the MTA, is there in fact, a current vacancy...could you explain to people if
in fact there is or there is going to be a vacancy on the MTA.

Mayor Baines replied there is no vacancy on the MTA.

Alderman Vaillancourt stated people seem to think there is. I was told there was a vacancy on the MTA and what are we going to do about it.

Resolution:

“Amending the 2000 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for the 2001 CIP 330601 School Recreational Facility & Parking Lot Improvements Project.”

On motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted that the Resolution be read by title only, and it was so done.

On motion of Alderman Wihby, duly seconded by Alderman Hirschmann, it was voted to refer the Resolution to the Committee on Finance.

On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

10. A report of the Committee on Finance was presented recommend that Resolutions:

"Amending the 1999 & 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Forty Eight Dollars (\$15,048) for the FY2000 CIP 831100 Security Project."

"Authorizing the Finance Officer to effect a transfer amount of Fifteen Thousand and Forty Eight Dollars (\$15,048) from the 1999 CIP 333399 Card Access Security System Project to the 2000 CIP 831100 Security Project."

"Amending the 2000 and 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000) for the 2002 CIP 612802 Dunlap Building Renovation Project."

"Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ninety Seven Thousand Five Hundred Ninety Four Dollars (\$197,594.00) for certain 2002 Police Projects."

"Amending the 2000 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for the 2001 CIP 330601 School Recreational Facility & Parking Lot Improvements Project."

ought to pass and be Enrolled. The Committee notes that the third resolution listed is recommended to be Enrolled contingent upon successful completion of due diligence as determined by the Finance Officer.

Alderman Thibault moved to accept, receive and adopt the report of the Committee on Finance. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

11. Reports of the Committee on Human Resources/Insurance as follows:

- a)** A majority report advising that Ordinance Amendment:
"Amending Sections 33.024, 33.025 and 33.026 (Police Telecommunications Manager) of the Code of Ordinances of the City of Manchester"
has been reviewed and recommending that same be referred to the Committee on Bills on Second Reading for technical review.
- b)** A minority report submitted by Alderman Vaillancourt recommending that Ordinance Amendment:
"Amending Sections 33.024, 33.025 and 33.026 (Police Telecommunications Manager) of the Code of Ordinances of the City of Manchester"
be denied.

Mayor Baines asked what are the procedures in handling these reports.

Deputy Clerk Johnson replied the procedures would be that the Board could either accept the majority report or substitute the minority for the majority report.

Alderman Pariseau moved to accept, receive and adopt the majority report of the Committee on Human Resources/Insurance. Alderman Sysyn duly seconded the motion.

Alderman Vaillancourt stated we wonder why City government continues to grow and this is a prime example of why it continues to grow. This is the establishment of a new position, let's make no bones about that fact. When it comes to budgeting this in future years we'll have a new position there and then we'll say oh, how did we get a new position. So, everybody should be aware of the fact that this is a back door attempt to establish a new position...that may be a good new position, but this should have come in a couple of months ago during the regular budget process instead of circumventing it by

bringing it in at this time. So, I cannot in good conscience add a new position that's going to be there at infinitum into the future without letting it be known that that is exactly what we've done by circumventing the regular budget process. This is going to cost the City \$50,000 someplace in that regard, not only this year, in fact it's less this year because of the federal funds available but every year out into the future. So, you should be doing this with eyes wide open and that's why I pointed out exactly what this is. So, I expect it to pass, but it will not have my support.

Alderman Lopez stated I believe this is an area of communications that needs continuity and the committee felt so and voted that way. This is a very sensitive area where you have a Sergeant in charge and in two or three years down the road you get another Sergeant in charge...you don't have that continuity plus the fact that we're moving that Sergeant and putting him out on the street where he belongs to supervise for Community Policing or whatever that this Board is so hot and heavy on, so I support the Chief of Police in this effort.

Alderman Gatsas stated the problem I have with this and not...this having been talked about since the fall about this position and I can tell you at the State level that the 911 fund is just growing by leaps and bounds. Now, from what I understood in talking with the Chief today that there are five or six employees that actually receive 911 calls from the State. Now, the budget at the State is that those funds are paid by everybody, by .5% of a phone bill. Now, my understanding was that all 911 calls are operated from the State side, however, any call that comes in that shows a recording to Manchester is then forwarded onto Manchester and I believe this position was brought up or somebody made note that there were five or six positions that were doing 911 that some of those proceeds that are at the State level should be coming back to the City level because we're actually doing the job with money that should be coming from the State. So, I have a problem that none of this was brought forward during the budget cycle when people knew about this position, from what I understand, months ago and certainly some of the funds could have come in from the State that maybe not have paid for this position but should have paid for the five or six people that are floating around there.

Mayor Baines stated let us have the Chief address this.

Chief Driscoll stated I guess I'd like to respond to a couple of things first. One, this is, I believe, a very worthwhile position. It will move our Communications Division forward, it will professionalize them and it will provide a career track for the civilians...approximately 30 people that work in the Communications Division, it will stabilize and move the division forward. I'd like to assure the Mayor and every member of the Board that there was no attempt in any way to circumvent the budget process. This

is a position we've been talking about with the Human Resources Department for a number of months, we've worked very hard on it...Chris Martinsen has spent countless hours working with our people to develop this and I believe this is a good thing. We certainly did not try to develop or circumvent the budget process. I've been very straight forward to say that it will create a new position in the FY2003 budget, there is no question about that and we've been very plain to say that. I also think that we would be negligent in not taking advantage of a grant opportunity. The grant is only for one year and I've been very up front about saying that. I did have a conversation with Alderman Gatsas today, we did discuss the possibility of getting funding from the State. I'm not sure that the funds are intended to be delivered to the City of Manchester or any other city under these set of circumstances...that is very possible, he perhaps knows more about it than I do, but I think if those funds were available to be earmarked for this type of thing other communities would continue to take advantage of them, so I do think that this position is both necessary and prudent on the part of the City and I would encourage the Aldermen to support it.

Alderman Gatsas stated, Chief, I don't think this position should be paid for by those funds, but I think that the other six employees that you have there that are taking 911 calls and dispatching them are no different than the employees at the State level are doing. There should be some reimbursement to the City. Now, I would assume that probably the only...if Manchester is doing it that Nashua must be doing it and if Nashua is doing it Concord's probably doing it...probably the biggest communities in the State have other people that are handling the 911 calls.

So, if that's the case then I think the representation by the Senate being in those communities and if those cities are paying for it then some of those funds...I can tell you there is an additional \$600,000 in funds coming into 911 and they're just hiring another 70 or 80 employees. So, if they can pay for new employees not handling any more calls at the State level then some of those funds should be coming back to the City. So, if it's an offset that's fine, but I think that somebody should have known that the City is paying for those 911 people and you've got 7 or 8 people you said...

Chief Driscoll stated yes that is correct. I'd be pleased to work with you and perhaps channel some of those new funds that you spoke of in the years to come or the months to come to the City of Manchester to act as a revenue source, that would be a great idea.

Alderman Gatsas stated obviously, I think you sat before this Board during the budget process and this position never surfaced it's head.

Chief Driscoll stated we certainly didn't bring it up. We were working on it during that period of time, I'm sure that if we brought it forward the Board would have said you're

not ready to go forward because I wasn't. This is something that we've worked on...literally 40 hours by Human Resources and the Police Department put into constructing the job description and the different functions that will go to this new position.

Alderman Gatsas stated I'm just looking at the date here, a June 21st date of a communication from the Human Resources Department.

Chief Driscoll stated it was completed on that date and forwarded to us, Sir.

Alderman Gatsas stated I would assume that that's within two weeks of when the budget process ended. You couldn't have done 40 hours worth of work on this in two weeks.

Chief Driscoll stated we certainly didn't. I told you we've worked on this for the last probably 4 to 6 months.

Alderman Levasseur stated Alderman Lopez has just made the statement that he wanted to see continuity...instead of a police officer who's a Sergeant he wanted to see a civilian for continuity, that begs the question that you think that somebody who is a civilian is going to stay there for the rest of their lives or 10 or 20 years. Now, the way this was presented to me, Chief, and I don't have a problem with this position, I understand you need somebody but you say that by bringing in a civilian that would allow the police officer who is now in charge of that duty to be out on the streets. Now, I don't have a problem with that obviously that's a good thing for the City of Manchester, we could always use another police officer on the street but I don't mind having you hire another police officer because then you have a person who's trained, you have a person that can cross-train into different positions and having another police officer that's taking that position is obviously somebody you can use in case of emergencies for other things. If this position can be brought in as a police officer instead of a civilian, I would rather we had an extra police officer than a civilian who can't go out in an emergency, can't be used in case of vacations, can't be used in a case of a situation where you could use a police officer. Because there's a Sergeant there...he's getting cross-trained...he knows the person who is the Sergeant is obviously getting all kinds of information...been there for many years and is trained in all kinds of communication. If there is a way to make this (non-civilian) into another police officer, I would support that, is there a way to do that.

Chief Driscoll replied that would not be my recommendation. When we went before the Human Resources Committee we tried to explain and I think was successful in convincing the Human Resources Committee that we have about 30 people that work in the Communications Division, that in fact, it is important to develop a career track for

those people; that in fact over the last (perhaps) 20 years that has been a Sergeant's slot...the Sergeant's that take that are some of our best people...they are also the people that compete for our Lieutenant's positions within two or three years and, in fact, we have seen a rapid turnover. I'm looking to develop somebody that can not only develop management skills, but develop the telecommunications technology skills to have that position for a number of years and that simply hasn't been the case in having a sworn individual there.

Alderman Levasseur stated it would seem to me that a police officer who is in charge of this as a Sergeant would also become a good candidate someday for an Assistant to the Chief, an Assistant Chief...maybe a Chief somebody with this kind of background. If you had a civilian in that spot that civilian would not be able to move through the ranks whereas a Sergeant would have an opportunity and have a lot more experience and I would think that that would be something that would be more beneficial to a police officer who is more trained in this kind of business. I'm just going to ask you one question. Is it possible, instead of having a civilian put in that we can put in another police officer.

Chief Driscoll replied yes it is, but once again that wouldn't be my recommendation. I believe in keeping sworn individuals in sworn positions and positions that can be done by civilians to have them fill those slots.

Alderman Thibault stated in the past we have taken many police officers from the inside and sent them out and replaced them with lay people.

Chief Driscoll stated that is a concept that I believe in. I call in "civilianization", I don't even know if that is a proper word, but it's a term that I believe in.

Alderman Thibault stated I would agree with it. This Board, in the past, has done this many times before for the Police Department and I think that's the right track.

Alderman Lopez stated we hire a Chief of Police, let him run his department. He's asked the Human Resource Committee, they approved it and moved the question.

Alderman Vaillancourt stated I think this does point out that, in fact, this was something that was being considered during the budget process and did come in afterwards, so I think my point is made and my question would be are there any other new positions floating around out there either in the Police Department and I realize that we have a new Human Resources Director, but are there any other new personnel that we're going to be facing in the next few months like this. If so, I think it's the kind of thing we should

know about because this is a new layer of government that we're adding, not that there is anything wrong with that, but we should be aware of it...that was a question.

Mayor Baines stated do you have any other recommendations that you're going to be coming forward with in the near future.

Chief Driscoll replied not tonight. My responsibility as a Chief of Police is to always assess my department and come to you folks with suggestions and improvements and I try to do that to the best of my ability.

Mayor Baines stated and then we make the decision whether we're going to follow the recommendation...that is all the Chief has done...worked with Human Resources, put a recommendation out there and now it's up to us as to whether we want to support that recommendation or not and I would encourage all department heads to come forward with recommendations to make changes within their departments and we vote it up or down.

Alderman Levasseur asked would you accept an amendment, your Honor, to make it instead of a civilian position to a police officer.

Mayor Baines replied at this time I think we should vote on the motion and if people are inclined to do that, they can vote no.

Mayor Baines called for a vote on the motion.

A roll call vote was taken on the motion to accept the majority report of the Committee on Human Resources. Aldermen Vaillancourt, Gatsas, Levasseur and Shea voted nay. Aldermen Pariseau, Cashin, Thibault, Hirschmann, Wihby, Sysyn, Clancy, Pinard, O'Neil and Lopez voted yea. The motion carried.

- 12.** Communication from the City Clerk seeking Board approval to request the Secretary of State to hold a special election in conjunction with this year's municipal elections for the District 42 State Representative post being vacated by Jeffrey Duval effective August 1, 2001.

Alderman Vaillancourt moved to approve the request to hold a Special State Election. Alderman Pinard duly seconded the motion.

Alderman Levasseur asked the Clerk for a recommendation...because we have a non-partisan election in September and November this will affect the non-partisan because I

think the Independents now will have to declare a party...do they have to declare in a non-partisan.

Clerk Bernier stated first of all I would like to thank Senator O'Neil and Senator Gatsas and Senator D'Allesandro that have changed some legislation to meet the needs of the City which saves \$15,000 for the City, so thanks again. To your question, there will be two separate ballots. If an Independent comes in they will have to request either a Republican or Democratic ballot.

Alderman Levasseur stated in a non-partisan election you would not have to.

Clerk Bernier stated correct, there will be two ballots.

Alderman Levasseur stated now they will have to declare because of the three vacancies.

Clerk Bernier replied only in Wards 3, 6 & 8.

Mayor Baines stated let's talk about that a little bit.

Alderman Levasseur stated that is going to cause a little confusion, isn't it.

Mayor Baines stated no because you'll have certain ballots.

Clerk Bernier stated I think the Democrats are blue and the Republicans are pink and will be all separated during the Primary and then in November they would be part of the City ballot.

Alderman Hirschmann stated that is mixing the partisanship you proposed in the Charter, your Honor, into the election.

Mayor Baines stated that is the way it is.

Alderman Shea stated let's assume there are only two candidates running.

Clerk Bernier stated the run off would be in November.

Alderman Vaillancourt stated we had already approved something along these lines for Ward 8 earlier and I believe for Ward 3 earlier, this is simply adding Ward 6 and perhaps in the next week or so we might get a resignation from somebody else, you never know.

There is a certain Rep in one ward who hasn't shown up in three years to any session, so maybe we should suggest that.

Mayor Baines called for a vote on the motion to approve the request to hold a Special State Election. There being none opposed, the motion carried.

13. Communication from the Destination Manchester Coordinator submitting a financial analysis for two office consolidation sites (1415 Elm Street and 149 Hanover Street).

Mayor Baines stated as you know we've asked Bill to do some analysis, to look at office consolidation...he's presented two proposals: one relating to 1415 Elm Street and another for 149 Hanover Street and the recommendation is that this be referred to the Committee on Lands and Buildings.

Alderman Pariseau moved that the communication be referred to the Committee on Lands and Buildings. Alderman Wihby duly seconded the motion.

Alderman Shea asked is there on-going discussion about consolidating different departments, your Honor.

Mayor Baines replied we do have one proposal that we're going to be talking to Human Resources about, but that's the only...what we're talking about in here is trying to bring offices together out of these rental spaces.

Alderman Shea stated right...there is talk of consolidating different departments...I'm unaware of that and I'm on the Human Resource Committee...

Mayor Baines stated nothing has come forward yet.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

14. Communication from the Economic Development Director seeking approval to expend \$75,000 of its funds to have the City Highway Department construct a temporary surface parking lot with 151 parking spaces on the vacant lot at the corner of Bridge and Elm Streets and further requests authorization to have parking revenues from this lot, less funds for the reasonable management expenses of the Traffic Department, returned to MDC in repayment of its \$75,000 investment.

Alderman Thibault moved to approve the expenditure of \$75,000 as outlined herein.
Alderman Pariseau duly seconded the motion.

Alderman O'Neil stated with the recent activity at that site which I know there's a couple of different proposals out there that are moving along does this make sense to spend this money when...

Mayor Baines stated we're not going to and Jay will explain...we have discussed that and this is our strategy.

Mr. Taylor stated simply at this point asking the MDC Board has brought this request forward...there's been discussion over a number of years about the appearance of that lot, the fact that our parking demand is beginning to exceed supply in the Downtown area at certain periods. So, the issue was if this site is going to remain vacant for a period of time would it not be reasonable to do something of a temporary nature...now, given the nature of the current on-going discussions with at least two proposals that we have on that, I think what the MDC is requesting tonight is your approval to proceed contingent upon the speed these proposals move and for the recognition that this in fact may not happen if these proposals move along rapidly. I think we want your opinion to proceed if it's prudent. If it isn't prudent then they won't proceed.

Alderman Wihby asked what is the timetable you're looking to do something with, is it the next month.

Mr. Taylor replied the Public Works Director has programmed the work into his work schedule over the summer/fall period. So, clearly if we're going to proceed with that he would have to be notified probably within the next thirty days. If we don't hit that window he's not going to be able to accomplish the work and we'll have to wait until next spring anyway. So, I think we're going to have to make a decision in the next 30 days or so if we're going to proceed with it.

Alderman Wihby stated if voting this in today you're pretty much going to go forward telling the Highway Department to go ahead and pave it.

Mr. Taylor replied no. What we're saying is once we gauge the speed with which these two current development proposals are moving, if it appears that one or both of them are going to move forward in a reasonable manner we won't go ahead with the paving. But, we want to be ready in the event that under the best of circumstances, in my opinion, even if we were to sign some sort of a purchase and sale agreement today would be 12 months before anybody built anything on that site anyway. So, in my view, we're

looking at a minimum of 12 months of that property being vacant. I did a quick analysis and it appears to me that a reasonable repayment of that \$75,000 investment would roughly taken 20 months. So, if we don't get near the 20 month vacancy it probably doesn't make a lot of sense to proceed with it and we're going to have to make that decision real quick.

Alderman Wihby asked what's real quick.

Mr. Taylor replied within thirty days.

Alderman Wihby asked can't we table this and come back at the next meeting.

Mr. Taylor replied certainly you can do that.

Alderman Hirschmann moved to table the communication requesting approval to expend \$75,000. Alderman Wihby duly seconded the motion. There being none opposed, the motion carried.

15. Communication from the Economic Development Director seeking the Board's approval of a Lease and Subordination, Nondisturbance and Attornment Agreements between the City and the owners of the Wall Street tower property.

Alderman Wihby moved to approve the agreements and authorize the Mayor to execute same subject to the review and approval of the City Solicitor. Alderman Pariseau duly seconded the motion.

Alderman Wihby asked if that was an on-going restaurant...how long has it been vacant...obviously, no one was looking at it. What was the rent we were getting from it.

Mr. Taylor replied we're not getting rent. The building owner is getting rent and what I think they're saying is let's find a reasonable use for this. There is a proposal by an individual to lease it for a residence...they're getting zero income from it now. With the property being occupied they'll get some income and I believe that's their position plus any tenant improvements that the potential resident makes in the property becomes property of the building owners once the lease expires. So, I think the view was that this is better than having it sitting there vacant and there seems to be no interest in a restaurant or commercial use, so let's try and do something with it.

Alderman Wihby stated that would be the property owner's opinion. Is it your opinion too then that it's better to have him rent it to somebody rather than keeping it as a viable

restaurant...everything's popping up Downtown, why would we want to take it off...first of all, what about tax purposes. Is there less taxes now that we're going to be converting it to residential.

Mr. Taylor replied I guess we'll know when we see the new revaluation figures, how that would affect it. But, I think my opinion is having something in there beats having it sit there vacant. It's been a year-and-a-half, at least, or two years since it's been vacant and there's been no takers, I would think that would be a reasonable exposure time...

Alderman Wihby asked did we offer it to a restaurant to move into it.

Mr. Taylor replied yes.

Alderman Wihby asked did we offer it to a restaurant to move into it for two years for free.

Mr. Taylor replied did we, no.

Alderman Wihby asked did the tenant offer it to somebody and say move into my restaurant for two years for free and then pay me \$5,000 a month.

Mr. Taylor replied I don't know if they offered to anyone for free, I know they had it on the open market with a real estate broker for a period of time, but I don't know if they offered it for free.

Alderman Wihby asked what is the loss to the City by doing this, is there any. Do we really not care, it's not our property.

Mr. Taylor stated it's not our property, they can lease it to whomever they want. What they are asking is that MDC and the City by virtue of the mortgage that the MDC holds that the City is a party to that they approve the Subordination and Nondisturbance Agreement which simply says that from the tenants point of view that if he is performing under his lease and there's a foreclosure action taken that we're not going to come in a through him out after he's made this substantial capital investment; that is really all that they are asking.

Alderman Wihby stated there's no cost to the City or the way anything is written up.

Mr. Taylor replied no and the City Solicitor has looked at all of this and you might want to ask him his view, but that's my opinion, at least.

Alderman Levasseur stated I read the Lease Agreement and to be honest with you somebody who wants to go up there and put in the amount of money they want to make into a penthouse apartment and the person who's renting that is going to be paying \$5,000 a month in three or four years. Whoever is moving up there...and that's probably the story of the week because that is going to be an expensive place just to heat and air condition...that's a very big loft and big place, who's going in there.

Mr. Taylor replied the name of the occupant is Irwin Muskat the President and CEO of JacPac Foods.

Mayor Baines called for a vote on the motion to approve the agreements and authorize the Mayor to execute same. There being none opposed, the motion carried.

16. Communication from the Selectmen of Ward 9 regarding the relocation of the Ward 9 polls from Blessed Sacrament Church Hall to the Bishop O'Neil Youth Center.

Alderman Pariseau moved to table the communication until August 7, 2001. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

17. Communication from Joanne Marks of the Manchester School District Human Resources Department submitting a retirement request for Sofia Plentzas.

Alderman Wihby moved to accept the retire of Sofia Plentzas as submitted. Alderman Hirschmann duly seconded the motion.

Alderman Wihby asked why is this coming to this Board.

Clerk Bernier replied because it is with the Old Retirement System.

Alderman Shea stated she is a constituent of Ward 7, so I want to be on record as favoring her resignation.

Mayor Baines called for the vote on the motion to accept the retirement of Sofia Plentzas. There being none opposed, the motion carried.

18. Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Thibault moved to commit the sewer warrant totaling \$83,438.90 to the Tax Collector. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

19. Communication from Lucille Stevens, Chairman of the Concerned Taxpayers of Manchester, NH seeking information regarding the current financial status of a building in the Millyard, which houses the FIRST Program.
(Note: enclosed is a copy of correspondence from FIRST responding to Ms. Stevens inquiry.)

Mr. Clougherty stated we are going to provide a copy of the letter to FIRST to the Concerned Taxpayers and I am going to contact her and go to their meeting to answer any questions they might have.

Alderman Wihby stated I read the letter and Kevin's response and I don't think he answered it and then I read what FIRST said and I don't think it answered it either. So, I don't think the question has been answered either.

Mr. Clougherty stated I thought we had answered it and as I said I'll make myself available to her group to answer any questions.

Alderman Wihby stated do it now, Kevin. Is the building being rented, is the City collecting the rent money.

Mr. Clougherty replied the rent money has always been collected by FIRST, it's always put into a separate account to be used for the building exclusively; that has always been the arrangement since Day 1 and it was audited back several years ago and that's always been the case. We made sure that those dollars that were collected stayed for the benefit of the building and I think the Solicitor will stand behind on that.

Deputy Solicitor Arnold stated I believe that is the case.

Alderman Wihby asked does the City own this property or not; that is another question.

Deputy Solicitor Clark replied no, we do not, I believe it is US FIRST.

Mr. Clougherty stated it's owned by FIRST, they pay taxes on those portions that are not public purposes and in the event that they don't fulfill their obligations for public purpose it comes back to the City.

Alderman Wihby asked did we answer all of the questions that were there.

Mr. Clougherty stated I'll be happy to redraft a letter that's more specific.

Alderman Pariseau asked could we get a copy of those minutes of that meeting held at the building down there where I believe I was the one who specifically asked a question about rental money coming back to the City and I was told it was coming back to the City.

Mayor Baines stated we can get a copy of those minutes and we'll distribute it to the Board.

Alderman Shea stated I think the main question that the taxpayers want to know is how much are the taxpayers really paying for this building. In other words, I know it's a general obligation bond and I realize that the Board voted at the time (1994) or thereabouts to give the building which was worth \$2 million, but we're paying the general obligation, so before we're through paying we probably as taxpayers have paid close to and you may know better than I Kevin maybe four or five million dollars for this building plus another component of this was to try and have a Science Hall of Fame and a man came before us at the School Board, a Mr. Miller I believe and said they were going to have the best Science Hall of Fame in the entire country and all these scientists from all over the world were going to come and they were going to gather and they were going to input their knowledge and there's no evidence of that now and that was, I think in 1994, and now it's the year 2001, so we're really not getting back what the components of this was. But, I think if you could prepare a report indicating how much money the taxpayers and give that to Lucille Stevens so that she can present it to the taxpayers I think that would be helpful.

Mr. Clougherty stated I would be happy to do it.

Alderman Gatsas moved to refer this to the Committee on Lands and Buildings for a full discussion. Alderman Vaillancourt duly seconded the motion.

Alderman Gatsas stated can we also make the motion that you suggested, your Honor, that all of the information (i.e., leases and pertinent information) be sent along to all Aldermen.

Mayor Baines stated we will take care of all of that and called for a vote on the motion. There being none opposed, the motion carried.

20. Resolutions:

"Amending the 1999 & 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Forty Eight Dollars (\$15,048) for the FY2000 CIP 831100 Security Project."

"Authorizing the Finance Officer to effect a transfer amount of Fifteen Thousand and Forty Eight Dollars (\$15,048) from the 1999 CIP 333399 Card Access Security System Project to the 2000 CIP 831100 Security Project."

"Amending the 2000 and 2002 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000) for the 2002 CIP 612802 Dunlap Building Renovation Project."

"Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Ninety Seven Thousand Five Hundred Ninety Four Dollars (\$197,594.00) for certain 2002 Police Projects."

"Amending the 2000 & 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for the 2001 CIP 330601 School Recreational Facility & Parking Lot Improvements Project."

Alderman Thibault moved that the Resolutions be read by titles only. Alderman Wihby duly seconded the motion.

On motion of Alderman Wihby, duly seconded by Alderman Cashin, it was voted to dispense with the readings by titles only of the Resolution.

Alderman Sysyn moved that the Resolutions pass and be Enrolled. Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEM

- 21.** Communication from Alderman Vaillancourt regarding HB249 relative to binding arbitration for city disputes (includes original communication, memo regarding Dover, memo regarding Portsmouth, and also a communication from the Chief Negotiator in opposition to HB249).
(Tabled April 17, 2001)

On motion of Alderman Levasseur, duly seconded by Alderman Vaillancourt it was voted to remove the communication from the table for discussion.

Alderman Vaillancourt stated the communication no longer needed to be on the table because the State Senate, in its infinite wisdom has already killed this bill.

Alderman Levasseur moved that the communication from Alderman Vaillancourt be received and filed. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

22. NEW BUSINESS

Alderman Hirschmann stated I have a communication from Oak Brook Condominiums on Front Street, actually 18 Northbrook Drive. They have a dispute that needs to be resolved about an inequity with trash pickup that they used to receive some sort of credit and moved that the communication be referred to the Committee on Administration. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Vaillancourt stated I just wonder on a procedural matter...I have sent a couple of communications to the Board asking that they be referred to specific committees I'm wondering if I have to go to the Board to do that or if it's automatically done. I refer specifically to a rather bad situation we had develop on Huse Road and Brad Court regarding a sewer eruption and I'm sure you've received that communication. If you have I don't mean to bring it up, but I did want it to go to the Committee on Administration so that some kind of procedure could be worked out with Frank Thomas to make sure that nobody else ever has to wait five hours again for a response for a sewer eruption in their basement.

Mayor Baines stated could we just ask the Clerk for the procedures when a Board member makes that request.

Deputy Clerk Johnson replied if the letter is submitted for a committee then we would place that directly in the committee's pending folder and the next time they meet it would be placed on the agenda. If he notifies me tomorrow I can research it at the office.

Alderman Vaillancourt stated so if I direct it to a certain committee it goes there without knowing even if it's the right committee. I also have a couple of letters on the light contamination and I thought that the proper place for that would be to go to the Traffic/Public Safety Committee, so I guess I'll just direct that to that committee, as well.

Clerk Bernier stated it is in Committee right now.

Alderman Vaillancourt stated I have a new letter that hasn't gotten to you yet, so I'll send that to you as well.

Alderman Clancy in reference to Waste Management stated I've received quite a few calls again this past week not picking up their waste...especially in my area.

Mr. Thomas asked is it yard waste or recyclables.

Alderman Clancy replied yard waste. They generally pick up every Wednesday in the center city, I haven't seen anything getting picked up over the last two weeks, truthfully.

Mr. Thomas stated let me contact you tomorrow after our research. I'm not aware that we're having a lot of complaints coming in at this time. Quite frankly, I thought everything was kind of quiet, but I will research what's been called in from your area and I'll contact you tomorrow morning.

Alderman Clancy stated I appreciate that, thank you.

Alderman Hirschmann stated the last item I have is with the security issues related to City Hall and the problems that we've had of late and moved to accept Mr. Bernier's suggestion that the City Hall security be reassigned through the City Clerk's Office. Alderman Levasseur duly seconded the motion.

Alderman Wihby asked what was the amount.

Clerk Bernier replied \$32,000 was removed from the City Clerk's Office to Human Resources during the budget process.

Clerk Bernier stated we would like to address the security issue from three to eleven, Monday through Thursday as well as Friday from 7:00 AM until 5:00 PM.

Alderman Wihby stated the rest of the money that was put in there is enough to take care of all of the other buildings (Library). I just want to make sure we're not taking out too much money that belongs to City Hall.

Mr. Robidas stated the other facility that we have is City Library...the other issues we need to address would be uniform issues, the communications issues and the holiday

pays, etc. out of the remaining funds. I have not had an opportunity to review that yet to see how that would impact one way or the other.

Alderman Wihby stated so you don't know if by taking \$32,000 it's going to make you short on the other end.

Mr. Robidas replied I haven't had the opportunity, I was unaware of the letter until today.

Alderman Wihby asked where were you this weekend, I got mine on Friday.

Mr. Robidas replied I received it from the Human Resources Director this afternoon.

Alderman Wihby stated so you don't know if that number is too much or not too much. Leo, where did you get the number from.

Clerk Bernier replied that was the money that was appropriated two years ago to address the security issues for 40 hours per week in the evenings at City Hall which is \$32,000.

Alderman Wihby stated I am not opposed to transferring the money around, I just want to make sure we're taking the right amount and not...and what's going to happen if they're short on the other end, I guess.

Clerk Bernier stated \$32,000 would be sufficient to address the security of the City Hall complex for the 40 hours per weeks.

Alderman Wihby asked what was the total that we put in, do you know the total, a hundred something.

Mr. Robidas replied \$75,200.

Alderman Wihby stated so out of the \$75,000 we could take out \$32,000 which leaves you \$43,000 to take care of the Library...what happens if that's short, what are you going to do.

Mr. Robidas replied I don't want to come back to the Board saying we're sure. Again, I haven't had the opportunity to put the numbers together.

Alderman Wihby asked are we better transferring all the money and leaving security under the City Clerk's control for the Library and City Hall. Give him the \$75,000 and let him take care of the Library too and put all of the monies in one place.

Mr. Robidas stated the Human Resources Director and I discussed that this afternoon and quite honestly I believe that is our position. If we're going to transfer some, might as well just transfer everything. It's rather difficult to be responsible for a budget that you really don't have control over.

Alderman Wihby asked is that a problem, Leo, do you have any problem with you're taking all of the money.

Clerk Bernier replied no, I'll take it, we'll address it.

Mayor Baines welcomed Virginia Lamberton the new Human Resources Director.

Ms. Lamberton stated I just wanted to say that four individuals were hired last Tuesday, so I would assume that those individuals would go over to the City Clerk's Office with the money.

Alderman Wihby asked is that okay, your Honor. If Leo doesn't mind we keep the money together. He just told us a few minutes ago that he has an additional \$15,000 with the efforts of D'Allesandro, Gatsas and O'Neil so he could use that money include it in his budget to make sure that he has enough to take care of everybody.

Clerk Bernier stated the \$15,000 wasn't planned during the budget process.

Alderman Levasseur stated the question that I had was there hasn't been any security over at the Library, is that because you hadn't hired anybody.

Mr. Robidas replied that is correct. They were there...we hire people...they were on the job last Tuesday for orientation. We were unable to complete their physicals until Monday. We had them in for orientation on Tuesday and they were at their posts on Wednesday.

Alderman Levasseur asked how did we get a lapse of not having anybody here because we haven't had anybody here at City Hall for a couple of weeks, what transpired there.

Mr. Robidas replied what transpired there if you recall we came to the Board in June asking for permission to advertise the positions early because it wasn't effective until FY2002 which would have been July 1. The Board approved the authorization to go ahead and allow us to advertise for the positions. We immediately posted to positions, we advertised the positions, the posting closed on June 28th, not only did we post in the

departments we ran adds in *The Union Leader and Sunday News* on three different occasions. As soon as we completed the process on June 28th we began the interview process. We went into the following week, we extended job offers conditionals based upon the physicals. We scheduled people for physicals, we were unable to get them scheduled until completion until July 9th because they were unable to accommodate us with the short holiday. In the interim, actually going back to May and June, at the time we still thought we were dealing with contract security officers. I had had discussions with Mr. Bernier and we talked about some issues that Mr. Tellier had coming up for the Assessors because there's some concern with the assessment notices, the revaluation go out apparently it was very ugly, I wasn't here but it was quite disturbing 10 years ago and his staff was very concerned about their safety. He began speaking to me back about January or February and I believe he addressed you folks during the budget process saying he had security concerns. Mr. Bernier and I talked about it in May or June and primarily he said he was concerned about three meetings being covered during the month because there's not a lot of meetings. He referred to the HR Committee meeting, the Board of Mayor and Aldermen meeting and the CIP.

Alderman Levasseur stated there was just a transition is what we're saying.

Mr. Robidas stated that is correct.

Alderman Levasseur asked how long was that transition about two weeks.

Mr. Robidas replied a week.

Alderman Levasseur asked is Karl still working in the building because I haven't seen him and I like him around here.

Mr. Robidas stated they're actually working. The four individuals we hired are rotating between both City facilities so that they could be accustomed to both facilities and understand both locations. But, yes, he was one of the gentlemen that was hired.

Alderman Wihby stated it would only make sense if they're being accustomed to both facilities that their controlled out of the City Clerk's Office or at least one department. If Leo wants his people here then he should take the whole budget over, take the amount of money and let him use them...I guess you agree with that, does the Human Resources Director agree...Leo said he'd take that. Do you have a problem with moving it out.

Ms. Lamberton replied no.

Alderman Wihby stated I think that is what we ought to do is move the whole thing out.

Mayor Baines stated there is a motion on the floor...either we withdraw the motion and make a new one or we can amend it.

Alderman Wihby moved to amend the motion that City Hall security be reassigned to the City Clerk's Office for the full amount of up to \$75,000 to include the City Library.

Alderman Lopez duly seconded the motion.

Alderman Clancy asked, Red, do you buy these access cards or does Leo.

Mr. Robidas replied no, they're purchased out of the City Clerk's Office. They're purchased in bulk.

Alderman Clancy asked, Leo, if someone loses their card how much do you charge them.

Clerk Bernier replied they get charged \$6.50 if they are requesting a new card.

Alderman Clancy asked what do you pay for them.

Clerk Bernier replied \$6.50.

Mayor Baines called for a vote on the motion to amend. There being none opposed, the motion carried.

Alderman Pariseau stated I would like to commend you, your Honor, on your letter to the Attorney General, but I don't think you went far enough relative to Velcro. I don't know but if it was an issue at Seabrook Station or Vermont Yankee that abuts the western part of the State someone would have been in deep dodo and I think we ought to send a letter to Velcro telling them that if and when they have other health emissions that they ought to notify the City. I don't know what was emitted by Velcro, but I would like to find out.

Mayor Baines stated we are getting more information. I know when I got the call on that...first of all, I wanted to check with the City Solicitor's Office to make sure they hadn't received anything and we found out we were not involved at all in that issue which I think is regrettable...I tried to use very polite language because we do work with the State officials and normally the communication is excellent, but the ball was dropped in this matter and I think we should have known about it and should have been involved and

we certainly should have known that there was a settlement and there was a press conference to announce it and they have apologized for that and we accept their apology.

Alderman Pariseau asked do we know what the chemicals were.

Mayor Baines replied yes that was explained in the paper.

Mr. Scannell stated and also I think it's in your package. You got a copy of the consent decree and the complaint.

Mayor Baines stated we will make sure we communicate that and get more information.

Alderman Pariseau stated it's really embarrassing when an incident occurs and the elected official knows nothing about it and I believe we ought to come up with some sort of plan like we have for Seabrook Station and Vermont Yankee in dealing with notification, at least notification.

Mayor Baines stated the State dropped the ball here, the State should have notified.

Alderman Pariseau stated I think Velcro did too, if they had concerns for the neighbors they would have let somebody know instead of dealing secretly with the Department of Environmental Services.

Mayor Baines stated the other thing is we have a State agency that's working on it, the State agency should have communicated with us, should have talked to our Health Officer, we could have communicated information to the public. When that story initially came out we did not have the assurances that there wasn't actually some health risks involved, that's poor communication and we ought to expect better from government.

Alderman Hirschmann stated I was going to recommend that Fred Rusczek be our liaison.

Mayor Baines stated absolutely.

Alderman Wihby asked is there anyone from the Tax Department here or Information Systems, Building...I know Parks was here but they left. Your Honor, I look out here and I see department heads and I know we have this crazy rule that we tell them that they've got to be here. I think maybe only Jay and the Chief...well, Red spoke and

Frank, so four out of 25 people spoke. We make them come to these meetings, but yet we don't make everybody come to the meetings...there is still three people missing and one left over so if we were having a problem with Parks right now we would have to call him up at home. I just don't think we're using the benefit of our department heads to sit here and not be called on and if we're going to do that we ought to make them all sit here and not be called on, but I think we should take another approach and that is if we are going to have a question that we want to ask these guys and the Alderman takes his time and reads his agenda and calls him up and says please come I'm going to ask you a question instead of making them come, sit here and use their time...and again not make everybody come. I just think we're going the wrong way, your Honor, and I just brought it up because I see them sitting here and we didn't talk to a lot of them, some of them have to be here...City Clerk, City Solicitor, Finance, Human Resources have to be here, but it doesn't mean that everybody has to be here unless there is going to be a question asked and I think if we took it upon ourselves to give them a call and say please come we have a question...at least, first of all they are going to do some homework on giving us the answer and second of all we're not making everybody sit here.

Alderman Cashin stated I agree with Alderman Wihby, but I don't see why an Alderman can't pick up a telephone, talk to department heads and ask them questions. I hate to go back to when things were different here...an Alderman would pick up an agenda, he'd pick up a telephone and if he wanted to talk to Frank Thomas he'd talk to him and get an answer and Frank wouldn't have to be here or anybody else. I think it's a waste of their time and I really don't think it's productive. If we just read the agenda and talk to the people you're going to get your answers.

Alderman Wihby stated if you don't then feel free to tell them to come in. But, to make some of them come...or some of them take the responsibility I guess that the Aldermen told me to come and they're here, others decide that they can leave whenever they want and others don't show up at all. It's not right, your Honor. If we're going to have a policy it should be for everybody and I think the policy should be looked at and not make them come unless we have questions.

Alderman Gatsas stated I thought the policy was that all department heads have to be at every meeting.

Mayor Baines stated the policy is that they are suppose to be at every meeting. They all can't be at every meeting and there are reasons why people can't come such as family things and vacations and the like, but generally they're suppose to be here.

Alderman Cashin stated just the fact that you have a policy that every department head has to be here, I think is foolish.

Alderman Wihby moved that if an Alderman has a problem with a department and he wants the department head to be here, feel free to call up that department head and have him be here and if they're not here after an Alderman calls him then we can all get involved. Alderman Cashin duly seconded the motion.

Alderman O'Neil stated it doesn't always have to be a department head here. I know Chief Monnelly is here representing the Fire Department tonight, Chief Kane is not here. But, I have found in ten years of being here that there are nights when something comes up new that you're not aware of and we have to delay a vote a month or something because no one is here to answer it and I think Highway is a good example...in many cases you will see Kevin attending meeting, Tim Clougherty, Bruce Thomas, other staff members. I think if they rotate it we're not making people live here, but at least we should be able to get an answer from a department about what's going on and I feel that there should be department representation. I don't think it necessarily has to be the department head.

Mayor Baines stated except if you have a situation like Information Systems...I can remember the last time...

Alderman O'Neil stated at one point we talked about in committees that if a department didn't show up we wouldn't address the item. Especially in committees departments should have representation there and they don't. So, I think it's their responsibility to be at these meetings.

Alderman Wihby stated if in fact there is an item on the agenda for a department and they choose not to be here then they could expect it to be tabled and if there's an item that they care about enough they'll show up, but if they don't really care and there's going to be questions what's wrong with that Alderman calling saying I'm going to have a question I'm going to ask you about, so please show up.

Alderman Cashin stated I can agree with Alderman O'Neil when it comes to committees...you probably want MacKenzie there and you probably want Jay Taylor and CIP, but you don't need the Health Department or you don't need the Finance Department in a lot of cases...I think you've got to have some flexibility, Dan.

Alderman O'Neil stated if there is an agenda item that affects Info Systems they should be at the meeting. But, that doesn't always happen, to be honest with you.

Alderman Cashin stated if you table it a couple of time they'll be at the next meeting.

Mayor Baines stated we will remind people that when there is an agenda item they are expected to be there, either they or a representative.

Alderman Shea stated I think the basic question is does City government run smoother if departments are present or does it not run smoother and the answer is obviously at committee meetings it will run smoother, at meetings like this obviously a representation would be helpful, so I concur. I don't think department heads should come necessarily, but there's other people in the departments.

Alderman Wihby stated I have to go back to what Alderman Cashin though. We used to do this rather than department heads coming because we took the time to call them up and ask questions. Now, it's almost like no one is going to call them up until we come to a meeting and we want to catch them sitting there and say "what did you say", or embarrass them or do whatever it is. We could have asked that question on the phone, we could have gotten the information...half the time they gave us the answer and we don't even want to follow-up on it, but we're asking it here and passing rules so that everything doesn't come to the full Board, it goes to the committees and here's one way to making it faster. If you have a question get the answer before you come here, if it's not answered bring them here and if it's answered you don't have to bring it up.

Alderman Shea stated I think some of us do that but I think if everyone wants to know what's going on in government it's to the advantage of all. I may have a question that I may ask a department head but how do you know or anyone else knows the answer to that question and when the question comes up at the meeting I give you my interpretation which may not be in agreement with what the department would say. So, sometimes you would get a half answer.

Alderman Levasseur stated the perfect analogy is the minority report from Alderman Vaillancourt. We wouldn't have known that there was a minority report if he didn't bring it up and tell us what was going on, so I agree if it's an important agenda item just show up.

Alderman Pariseau stated having people here you do have to pay them, so I would assume that they are accruing comp time...

Alderman Wihby interjected they're making it up some way. If you're sending a representative you're making it up somewhere.

Alderman Pariseau stated if you're sending a representative you have to pay comp time. Not necessarily the department head.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Vaillancourt stated earlier in the evening, I promised to bring up under new business when we were discussing that crack at the Civic center and moved that at no cost to the City ask the State Board of Engineers if they would render a neutral opinion as to whether that is a problem. Alderman Shea duly seconded the motion.

Alderman O'Neil asked do we know if they're willing to do this.

Alderman Vaillancourt replied I have been told that on good authority, but we'll find out if we don't know. When we ask them I guess they'll tell us.

Mayor Baines asked could you please repeat the motion.

Alderman Vaillancourt replied the motion was that we request the State Board of Engineers, at no cost to the City, to render a neutral opinion as to whether or not the crack at the Civic center constitutes a structural hazard.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Thibault and O'Neil duly recorded in opposition.

A report of the Committee on Lands and Buildings was presented recommending that the Mayor be authorized to execute a Lease Agreement between the Manchester Water Works and the First Assembly of God. The Committee further recommended that the Board authorize the exchange and execution of Quitclaim Deeds to eliminate existing reverter clauses, subject to the review and approval of the City Solicitor.

Alderman Wihby, moved to accept, receive and adopt the report. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Lands and Buildings was presented recommending that the Mayor be authorized to execute a Release of Reversionary Rights for property now owned by The Way Home and known as 214 Spruce Street, subject to the review and approval of the City Solicitor.

Alderman Pinard moved to accept, receive and adopt the second report of the committee.
Alderman Wihby duly seconded the motion.

Alderman Wihby stated The Way Home is a non-profit, what happens if they decide they just don't want to be there anymore and they want to leave, what happens to the property.

Deputy Solicitor Arnold replied the property was sold to the Bishop of Manchester back in 1889 with a Reverter Right in it that it be used for a school house. I don't think it's been used for a school house since that time, I don't believe the Bishop has used it for a school house since that time. The Reverter was in the deed, I believe, because the deed from Amoskeag to the City contained that Reverter. It belongs to The Way Home, if the Reverter's released then The Way Home could use the property as they saw fit. Quite frankly, I think the validity of this Reverter may be called into question given that it's over 100 years old at this point.

Alderman Wihby stated it's not ours though anyway right, Tom. Is it City-owned right now.

Deputy Solicitor Arnold replied no, the City does not own the property.

Alderman Levasseur stated they're asking us to give up our Reverter Rights which means that we own the rights to this...in other words, we gave this property to the Diocese to use as long as they used is for a school they could have that property. Now, it's being used for a building to house people with lead poisoning...so, now it's changed it's use which is why the attorney had to come to us and ask us to give up our Reverter Rights. I would rather, if we don't give up our Reverter Rights...we give up our Reverter Rights, but we include the statement that says this "as long as it's used for a"...I don't want to give up the rights to that property because once we give up...a very astute question...if you give up your Reverter Rights The Way Home can decide in 10 year or 20 years that they can do whatever they want with that property. I would like to see language that says "we don't give up our Reverter Rights, but we change the language to say "that we will give them the right to use that property as long as they use it for The Way Home and as a supporting place for children with lead poisoning.

Mayor Baines stated, Mr. Arnold, would you please advise the Board.

Deputy Solicitor Arnold stated I'd take the direction of the Board from that...as I said this Reverter is very old, it's validity could certainly be called into question, but if the Board instructs that type of language I'll convey that to The Way Home.

Alderman Levasseur stated once we have that those rights stay with the City. If we give these rights up like Alderman Wihby just said they can do whatever they want with that property.

Mayor Baines asked do you wish to add an amendment to that.

Alderman Levasseur replied yes. I would say that we keep the Reverter Rights and we just allow them to use that property as long as they use it for The Way Home for a shelter for children with lead poisoning.

Mayor Baines asked would that fit as an amendment.

Alderman Lopez stated I heard the Solicitor say about the 100 years, so we really don't know exactly so why not just table it and get the right information.

Deputy Solicitor Arnold stated I'm not sure what information he's looking for. There is a Reverter, it is over 100 years old, it was first put into place in 1889.

Alderman Cashin asked, Tom, why did they ask to take off the Reverter Rights.

Deputy Solicitor Arnold replied I believe because of the issue of title insurance if I remember correctly.

Alderman Cashin asked is it possible they want to borrow on the building.

Deputy Solicitor Arnold replied either that or finance additions, yes.

Alderman Cashin stated they probably can't do it with the Reverter Rights.

Mr. MacKenzie stated I would note that they are trying to close on a financing package to finish construction of the project, so the letter did indicate they have some sense of urgency.

Alderman Wihby asked what about the question. If we take the Reverter out does it still affect financing.

Deputy Solicitor Arnold stated if the City releases its Reverter then obviously from the prospectus of financing it's not an issue any more. If we don't I'm not sure what their financing would do. I think that they would probably view it as cloud on title and I don't

know what the ultimate disposition would be. But, I suspect they might have some difficulty getting financing or title insurance.

Alderman Levasseur stated let me make a point of clarification. The issue here is the actual language in the deed itself. The deed says it has to be used for a school. Because it says it has to be used for a school that is where the cloud is. If you change the use to a different use and we maintain the Reverter Rights there won't be any problem with them getting financing. The issue for the bank is we look at a deed, the deed says it can only be used for a school and we don't want to give a loan on that, that's the cloud. If we change the use and keep the Reverter Rights we're all set.

Mayor Baines asked, Mr. Arnold, how would we go about doing that as a possibility.

Alderman Levasseur replied we would have to issue a new deed.

Deputy Solicitor Arnold stated I would have to speak to The Way Home, but I would presume that we would either amend the Reverter or release the Reverter and get a new Reverter.

Mayor Baines asked might it be a good idea to table and if we need to do a phone poll on this for their financing we could do that.

Alderman Clancy moved to table the second report of the committee. Alderman Cashin duly seconded the motion. There being none opposed, the motion carried.

Alderman Levasseur stated as we are going to get a phone poll on this I would make sure that we get all of the language that is going to be put in, okay.

A report of the Committee on Traffic/Public Safety was presented recommending that a request of Good Times Smoke Shop for closure of a portion of Elm Street between Merrimack and Manchester Streets on July 28 for the purpose of holding a skateboard expo be granted and approved under the supervision of the City Clerk, Fire, Health, Highway, Police Risk and Traffic Departments.

Alderman Pariseau moved to accept, receive and adopt the report of the committee.

Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

A second report of the Committee on Traffic was presented recommending that a request for closure of Hanover Street from Elm to Chestnut Streets for the Citywide BBQ Cook-off, Performing Arts season opener and the 2nd Annual Oktoberfest be granted and approved under the supervision of the City Clerk, Fire, Health, Highway, Police, Risk and Traffic Departments.

Alderman Pariseau moved to accept, receive and adopt the second report of the committee. Alderman Clancy duly seconded the motion. There being none opposed, the motion carried.

A third report of the Committee on Traffic/Public Safety was presented recommending that a request for closure of portions of Lake Shore Road and Island Pond Road for the Granite State Senior Games on August 17 be granted and approved under the supervision of City Clerk, Fire, Highway, Police, Traffic and Risk Departments.

Alderman Pinard moved to accept, received and adopt the third report of the committee. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

- 23.** Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

Alderman Wihby moved to recess the regular meeting to meet with the Chief Negotiator for a negotiation strategy session. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Mayor Baines called the meeting back to order.

There being no further business to come before the Board, on motion of Alderman Pariseau, duly seconded by Alderman Vaillancourt, it was voted to adjourn.

A True Record Attest.

City Clerk